

CALIFORNIA COASTAL COMMISSION

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Appeal Filed: 8/6/2008
49th Day: Waived
Staff: Charles Posner - LB
Staff Report: 10/29/2008
Hearing Date: November 14, 2008
Commission Action:

F7a**STAFF REPORT: APPEAL
NO SUBSTANTIAL ISSUE**

LOCAL GOVERNMENT: City of Long Beach

LOCAL DECISION: Approval with Conditions

APPEAL NUMBER: A-5-LOB-08-218

APPLICANT: City of Long Beach Dept. of Parks, Recreation and Marine

APPELLANTS: Laurence B. Goodhue & Kerrie Aley

PROJECT LOCATION: 5255 Paoli Way (Marine Stadium), City of Long Beach.

PROJECT DESCRIPTION: Appeal of City of Long Beach Local Coastal Development Permit No. 0802-01, approved with conditions for: 1) removal of 1,500 feet of chain-link fence from the southwest side of Marine Stadium (from Bayshore Avenue to La Verne Avenue), and 2) removal of 1,850 feet of chain-link fence on the southwest side of Marine Stadium (between La Verne Avenue and 3rd Street) and replacement with 1,850 feet of decorative wrought iron fence (See Exhibit #4).

SUBSTANTIVE FILE DOCUMENTS:

1. City of Long Beach Certified Local Coastal Program (LCP), 7/22/80.
2. City of Long Beach Local Coastal Development Permit No. 0802-01 (Exhibit #5).

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that the appeals raise **no substantial issue**. The local coastal development permit approving the modification of the fence does not raise a substantial issue with respect to the provisions of the City of Long Beach certified Local Coastal Program (LCP) or the public access policies of the Coastal Act. The City-approved project (removal of the fence and its partial replacement) will not adversely affect public access, public safety, or the public's use of Marine Stadium. The City-approved project would leave in place the two-foot high brick barrier that currently exists beneath the entire chain-link fence, and none of the existing vehicular or pedestrian entrances to Marine Stadium would be altered. The local coastal development permit does not include any changes to the ongoing management of the City park or surrounding streets. The appellants do not agree with the staff recommendation. **The motion to carry out the staff recommendation is on Page Five.**

I. APPELLANTS' CONTENTIONS

Laurence B. Goodhue and Kerrie Aley have appealed the City's approval of Local Coastal Development Permit No. 0802-01 (See Exhibits). The local permit authorizes the City Department of Parks, Recreation and Marine to remove 3,350 linear feet of the six-foot high chain-link fence that encloses the southwestern side of Marine Stadium (Exhibit #5). The local permit also authorizes one segment (1,850 feet) of the removed fence to be replaced with a decorative wrought iron fence of similar height (Exhibit #4). The City's action would not alter any of the existing vehicular or pedestrian entrances to Marine Stadium, as the two-foot high brick barrier that currently exists beneath the entire chain-link fence would remain in place. Only the fencing on top of the brick wall/barrier would be removed and partially replaced. The low brick wall and chain-link fence separate the public recreation facility (Marine Stadium) from the adjacent residential neighborhood, although the fence is not on the border between the public land and the private property; it is situated between the Marine Stadium access road and Paoli Way, a public street (Exhibit #4).

The appeal of the local coastal development permit submitted by Laurence B. Goodhue on August 6, 2008 (Exhibit #6) asserts that:

1. Removal inherently intensifies the propensity of removal of popular City, Regional, State, and beyond low-cost boating venue (sic) by ushering in activities for which the venue was neither granted nor designed.
2. Removal presents a clear and present danger to public safety.
3. Removal impedes the safe entry and re-entry, safe passage and re-passage of the boating public towing trailers and boats.
4. Removal violates no less than five sections of the California Coastal Act [Sections 30213, 30214(a)(2-4), 30220, 30224, 30234 and 30253(5)].
5. Removal does not provide the type of access the Coastal Act warrants.

Correspondence received from Mr. Goodhue regarding the removal of the fence and this appeal make it clear that his primary concern is that the City's removal of the fence (that portion that would not be replaced) would adversely affect the boating activities in Marine Stadium by increasing conflicts between pedestrians and cars towing boat trailers, and between swimmers and boats in the water. He is also concerned that the removal of the fence would be an inappropriate alteration of an historical monument. He has stated that the fence should be upgraded, but not removed.

The second appeal, submitted on August 11, 2008 by Ms. Kerrie Aley, (Exhibit #7) asserts that:

1. The City's findings for the removal of the fence are not justifiable and violate the intent of the California Coastal Act and the City of Long Beach Local Coastal Program (LCP), which includes the Marine Stadium Resource Management Plan (RMP).

2. The current operation of Marine Stadium is not in accordance with the City's Marine Stadium Operating Policy, Special Events Policies, or the LCP/RMP.
3. Removal of the fence will exacerbate known problems such as traffic and parking control, security, and special event impact.
4. The City claims there will be no impact on the operation of Marine Stadium or a negative environmental effect on the community. Yet a condition of approval requires that "*the Marine Advisory Commission shall review this action at a public meeting one year after the fence has been removed. The purpose of the review is to determine if any impacts have arisen as a result of the fence removal and if so, suggest appropriate mitigation.*" Any such future mitigation measures adopted or suggested by an "advisory commission" would not be binding or appealable to the Planning Commission, City Council or Coastal Commission. Mitigation that is neither binding or appealable is unacceptable because the unspecified mitigation may alter the use of Marine Stadium or leave unattended a serious negative impact on the surrounding residential neighborhood.
5. The City did not comply with the California Public Records Act and the Brown Act.

In short, Ms. Aley's primary issue with the City's removal of the fence is that it would adversely affect the security, safety and privacy of the adjacent residents because the fence protects the neighborhood from being overrun by traffic generated by the recreational activities in Marine Stadium, especially during special events.

II. LOCAL GOVERNMENT ACTION

At a public meeting on January 10, 2008, the Marine Advisory Commission (MAC), which advises the City Manager and City Council on beach and marina related issues, reviewed the proposed project and the results of a neighborhood survey concerning the project, and passed a motion in support of the proposal. The MAC had also discussed the proposal at two previous meetings in 2007.

On May 15, 2008, after a public hearing, the City of Long Beach Zoning Administrator approved Local Coastal Development Permit No. 0802-01 (with conditions) for the proposed project. The Zoning Administrator's decision was appealed to the Planning Commission by Laurence B. Goodhue and Kerrie Aley.

On July 17, 2008, after a public hearing, the City of Long Beach Planning Commission upheld the Zoning Administrator's approval of Local Coastal Development Permit No. 0802-01 (with conditions) for the proposed project (Exhibit #5). The Planning Commission's action was not appealable to the City Council.

On July 28, 2008, the Commission's South Coast District office in Long Beach received from the City Planning Department the Notice of Final Local Action for Local Coastal Development Permit No. 0802-01 (Exhibit #5). The Commission's ten working-day appeal period was

established on July 29, 2008. On August 6, 2008, the appeal of Laurence B. Goodhue was received in the Commission's South Coast District office. On August 11, 2008, the appeal of Kerrie Aley was received in the Commission's South Coast District office. The appeal period ended at 5 p.m. on August 11, 2008, with no other appeals received.

III. APPEAL PROCEDURES

After certification of Local Coastal Programs (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Developments approved by cities or counties may be appealed if they are located within the mapped appealable areas, such as those located between the sea and the first public road paralleling the sea or within three hundred feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff [Coastal Act Section 30603(a)]. In addition, an action taken by a local government on a coastal development permit application may be appealed to the Commission if the development constitutes a "major public works project" or a "major energy facility" [Coastal Act Section 30603(a)(5)].

The City of Long Beach Local Coastal Program (LCP) was certified on July 22, 1980. Section 30603(a)(1) of the Coastal Act identifies the proposed project site as being in an appealable area by virtue of its location. The proposed project is located between the sea and the first public road paralleling the sea, and within three hundred feet of the beach.

Section 30603 of the Coastal Act states:

- (a) After certification of its Local Coastal Program, an action taken by a local government on a coastal development permit application may be appealed to the Commission for only the following types of developments:
 - (1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
 - (2) Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.

The grounds for appeal of an approved local coastal development permit in the appealable area are stated in Section 30603(b)(1), which states:

- (b)(1) The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified Local Coastal Program or the public access policies set forth in this division.

The action currently before the Commission is to find whether there is a "substantial issue" or "no substantial issue" raised by the appeals of the local approval of the proposed project. Sections 30621 and 30625(b)(2) of the Coastal Act require a de novo hearing of the appealed project unless the Commission determines that no substantial issue exists with respect to the grounds for appeal.

In this case, Commission staff recommends a finding of no substantial issue. If there is no motion from the Commission to find no substantial issue, the substantial issue question will be considered moot, and the Commission will schedule a de novo public hearing on the merits of the application at a subsequent Commission hearing. A de novo public hearing on the merits of the application uses the certified LCP as the standard of review. In addition, for projects located between the first public road and the sea, findings must be made that an approved application is consistent with the public access and recreation policies of the Coastal Act. Sections 13110-13120 of Title 14 of the California Code of Regulations further explain the appeal hearing process.

If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. The only persons qualified to testify before the Commission at the substantial issue portion of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing.

The Commission will then vote on the substantial issue matter. It takes a majority of Commissioners present to find that the grounds for the appeal raise no substantial issue. The Commission's finding of substantial issue voids the entire local coastal development permit action that is the subject of the appeal.

IV. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that no substantial issue exists with respect to the grounds for the appeals regarding conformity of the project with the City of Long Beach certified Local Coastal Program and the public access policies of the Coastal Act, pursuant to Public Resources Code Section 30625(b)(2).

Staff recommends a **YES** vote on the following motion:

MOTION: *"I move that the Commission determine that Appeal No. A-5-LOB-08-218 raises **NO SUBSTANTIAL ISSUE** with respect to the grounds on which the appeal has been filed."*

A majority of the Commissioners present is required to pass the motion.

Resolution to Find No Substantial Issue for Appeal A-5-LOB-08-218

The Commission hereby finds that Appeal No. A-5-LOB-08-218 raises no substantial issue regarding consistency with the Certified Local Coastal Plan and/or the public access policies of the Coastal Act.

V. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description

Local Coastal Development Permit No. 0802-01 would permit the City Department of Parks, Recreation and Marine to remove 3,350 linear feet of the six-foot high chain-link fence that encloses the southwestern side of Marine Stadium (Exhibit #5). The local permit also authorizes one segment (1,850 feet) of the removed fence to be replaced with a decorative wrought iron fence of similar height (Exhibit #4). The City's action would not alter any of the existing vehicular or pedestrian entrances to Marine Stadium, as the two-foot high brick barrier that currently exists beneath the entire chain-link fence would remain in place. Only the fencing on top of the brick wall/barrier would be removed and partially replaced. The low brick wall and chain-link fence separate the public recreation facility (Marine Stadium) from the adjacent residential neighborhood, although the fence is not on the border between the public land and the private property; it is situated between the Marine Stadium access road and Paoli Way, a public street (Exhibit #4).

Marine Stadium is a City park with both land and water recreational facilities (Exhibit #3). The mile-long portion of Alamitos Bay, constructed as the rock-lined Marine Stadium in the 1920s, was a rowing venue during the 1932 and 1984 Olympic Games. Marine Stadium remains a popular venue for boating activities and special events, including rowing competitions, festive regattas, water skiing, and power boat races. The recreational facilities at Marine Stadium include a boathouse and docks for rowing teams, a public boat launch ramp, dry boat storage, a sandy public beach, and public parking lots that can hold up to two thousand vehicles. The City prohibits swimming in most of Marine Stadium because of the boating activities.

Two vehicular gates and three pedestrian gates are part of the wall/fence that runs along the southwestern side of Marine Stadium. The vehicular gates, which would not be altered by the proposed project, are locked from dusk to dawn. The three pedestrian accessways are open for public access at all times, except during some special events when an admission fee is required. The unfenced northern end of Marine Stadium is also open for public access at all times, except during some special events when a temporary fence is erected. The vehicular exit at the northern end of the park access road is always open for exiting only.

The City record states that the fence subject to this appeal was constructed along the property line in the 1930s, and was rebuilt during the 1960s. The six-foot high chain-link fence (and low brick wall beneath) separates the park's access road and public parking areas from Paoli Way (a fifteen-foot wide alley) and the adjacent residential neighborhood. The process to initiate removal of the fence began in 2006, according to the City, with the submittal of a residents' petition to remove it. The City's proposal to remove the fence and to replace only part of it is based on two neighborhood surveys it conducted in 2007. The public hearings on the matter were contentious as some residents support removal and others support replacement of the chain-link fence.

B. Factors to be Considered in Substantial Issue Analysis

Section 30625 of the Coastal Act states that the Commission shall hear an appeal of a local government action unless it finds that no substantial issue exists with respect to the grounds on which the appeal has been filed. The term "*substantial issue*" is not defined in the Coastal Act or its implementing regulations. Section 13115(b) of the Commission's regulations simply indicates that the Commission will hear an appeal unless it finds that the appeal raises no significant question as to conformity with the certified LCP or there is no significant question with regard to the public access policies of Chapter 3 of the Coastal Act. In previous decisions on appeals, the Commission has been guided by the following factors.

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and,
5. Whether the appeal raises local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, Section 1094.5. Staff is recommending that the Commission find that **no substantial issue** exists for the reasons set forth below.

C. Substantial Issue Analysis

As stated in Section III of this report, the grounds for appeal of a coastal development permit issued by the local government after certification of its Local Coastal Program (LCP) are specific. In this case, the local coastal development permit may be appealed to the Commission on the grounds that it does not conform to the certified LCP or the public access policies of the Coastal Act. The Commission must then decide whether a substantial issue exists in order to hear the appeal.

In this case, for the reasons stated below, Commission staff recommends a finding of no substantial issue because the locally approved development is in conformity with the certified City of Long Beach LCP and the public access policies of the Coastal Act. The appellants assert otherwise and have appealed the local coastal development permit because they oppose the removal of the six-foot high chain-link fence (unless it is replaced) that encloses the southwestern side of Marine Stadium (See Exhibits).

Mr. Goodhue's appeal asserts that the City's removal of the fence (that portion that would not be replaced) would adversely affect public safety and boating activities in Marine Stadium by increasing conflicts between pedestrians and cars towing boat trailers, and between swimmers and boats in the water. He says the removal of the fence would impede the safe entry and re-entry, safe passage and re-passage of the boating public towing trailers and boats, and that the fence should be upgraded, but not removed.

Ms. Aley's primary issue with the City's removal of the fence is that it would adversely affect the security, safety and privacy of the adjacent residents because the fence protects the neighborhood from being overrun by pedestrian and vehicular traffic generated by the recreational activities in Marine Stadium, especially during special events.

The appellants are requesting that the Commission accept their appeals and overturn the local coastal development permit that the City approved for the proposed project. The standard of review is only whether the appeal raises a substantial issue as to conformity with the City of Long Beach LCP and the public access policies of the Coastal Act. Both the public access policies of the Coastal Act and the LCP include provisions that address the issues raised by the appeals. The relevant Coastal Act policies and LCP provisions are listed below.

Chapter 3 of the Coastal Act contains the following public access policies:

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 of the Coastal Act states:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) Adequate access exists nearby, or, (3) Agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

(b) For purposes of this section, "new development" does not include:

(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.

(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.

(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

Section 30212.5 of the Coastal Act states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213 of the Coastal Act states, in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred...

Section 30214 of the Coastal Act states:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

The certified LCP policies for Marine Stadium, as set forth in the LCP's Marine Stadium Resource Management Plan (RMP), state:

A. General Policy

Commercial aquatic events will be permitted, provided adequate controls are enforced to preclude adverse impact on recreational uses and adjacent residential neighborhoods. Conservational considerations are minimal. Educational uses would primarily be aquatic skills development.

B. Guidelines

1. Management Responsibility

Overall management of Marine Stadium will be vested in the Marine Department (see Alamitos Bay).

2. Water Quality

- a. Servicing of power boats will be controlled to minimize toxic metals and petroleum products reaching the water.
- b. New development will be precluded from discharging surface water into the stadium.

3. Public Access

- a. A sand beach, if feasible, will be developed at the northwest end of the stadium.
- b. The publicly owned land north of Marine Stadium to Colorado Street will be developed as a public park providing for field sports, and active and passive recreational uses. Additional parking to serve the park and beach will be a combination of hardtop and grass overflow. The grass parking area shall be used only for major Marine Stadium activities. The boat storage area at the northeast end of the Marine Stadium will be eliminated when this area is converted into public park usage.

- c. No additional paved parking areas will be created at Marine Park.
 - d. Usage of Marine Stadium for rowing activities will be encouraged.
4. Maintenance
- Existing restroom facilities at the northwest end of the stadium must be accessible to the beach and park users.

In this case, the proposed project does not conflict with any of the above-stated public access policies or LCP provisions as the City-approved project (removal of the fence and its partial replacement) will not adversely affect public access, public safety, or the public's use of Marine Stadium. The reason that public access, public safety, or the public's use of Marine Stadium will not be adversely affected is that the project would only remove the chain-link fencing that exists on top of a two-foot high brick barrier that controls and limits vehicular access to the facility. The City-approved project would leave in place the two-foot high brick barrier that currently exists beneath the entire chain-link fence, and none of the existing vehicular or pedestrian entrances to Marine Stadium would be altered. Therefore, the project would not result in any change to the existing public access points for either vehicles or pedestrians. Of course, pedestrians could more easily scale a two-foot high barrier than the existing chain-link fence, but Marine Stadium is currently accessible to pedestrians at all times from various accessways on both the north and south sides of the stadium. For crowd control during special events, temporary fencing could be erected as is done at other venues.

Ms. Aley's appeal asserts that the removal of the fence will exacerbate known problems such as traffic and parking control, security, and special event impact. Mr. Goodhue specifically raises Public Access Sections 30213 and 30214(a)(2-4) in his appeal, in addition to other Coastal Act sections that are not public access policies. Section 30213 requires the protection of lower cost visitor and recreational facilities, such as Marine Stadium. Section 30214(a)(2-4) states that the public access policies shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the capacity of the site to sustain use and at what level of intensity, the appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses, and the need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

As stated above, the proposed project would not result in any change to the existing public access points for either vehicles or pedestrians, and there will be no adverse effect to the recreational facilities at Marine Stadium. Pedestrians can currently pass and repass into and out of Marine Stadium at anytime from numerous access points, and the proposed project will not alter the time, place, and manner of public access. The existence or removal of the fence does not restrict or limit the intensity of the public's use of the recreational facilities at Marine Stadium because the pedestrian gates (where there are gates) are never locked. Several of the access points are not gated. The pattern of vehicular access will also not be changed by the proposed project, as the two-foot high brick barrier that currently exists beneath the entire chain-link fence will remain in place. Vehicles will have to continue to use the existing streets and access roads as they currently do.

In regards to the City's management of the area and the security, safety and privacy of the adjacent residents and property owners, both the LCP provisions and Section 30214(a)(4) of the Coastal Act require that adequate controls be enforced to preclude adverse impacts to the adjacent residential neighborhood. The LCP policy states, "Commercial aquatic events will be permitted, provided adequate controls are enforced to preclude adverse impact on recreational uses and adjacent residential neighborhoods." The LCP and the public access policies of the Coastal Act, however, do not require the City to maintain a permanent fence along the boundaries of Marine Stadium. It must also be noted that the fence to be removed (but not replaced) is situated between the Marine Stadium access road and Paoli Way, a public street (Exhibit #4). The fence is not on the border between the public land and the private property.

During special events, like commercial aquatic events, a temporary fence can be erected to protect the adjacent neighborhood, if necessary. In any event, the City will continue to regulate the use of Marine Stadium as it currently does, and it will continue to enforce the vehicular and traffic controls in the facility and on the local streets, as the proposed project does not include any changes to the City's management of the area. Therefore, the appeals raise no substantial issue as to conformity with the certified LCP or the public access policies of the Coastal Act.

Applying the five factors listed in the prior section further clarifies that the appeals raise no "substantial" issue with respect to conformity with the certified LCP or the public access policies of the Coastal Act to a level of significance necessary to meet the substantiality standard of Section 30265(b)(1).

The first factor is the degree of factual and legal support for the local government's decision that the development is consistent with the LCP and the public access policies of the Coastal Act. Ms. Aley's appeal specifically asserts that the City's findings for the removal of the fence are not justifiable and violate the intent of the California Coastal Act and the City of Long Beach LCP. The City's findings, however, include reference to the relevant Coastal Act and LCP provisions regarding the management of Marine Stadium. No provision of the LCP or the public access policies of the Coastal Act require the City to maintain a permanent fence along the boundaries of Marine Stadium. It is a fact that the City-approved project would leave in place the two-foot high brick barrier that currently exists beneath the entire chain-link fence, and none of the existing vehicular or pedestrian entrances to Marine Stadium would be altered. The local coastal development permit does not include any changes to the ongoing management of the City park or the surrounding streets. The City's conclusions regarding the consistency of the proposed development with the certified LCP and the public access policies of the Coastal Act are correct and supported by the facts. Therefore, the appeals do not raise any substantial issue.

Moreover, this Commission's role at the "substantial issue" phase of an appeal is not to reassess the evidence in order to make an independent determination as to consistency of the project with the LCP and the public access policies of the Coastal Act, but only to decide whether the appeals of the local government's action raise a substantial issue as to conformity with those standards. In this case, the local government's decision correctly applied the LCP provisions and the public access policies of the Coastal Act, is amply supported by the facts, and is consistent with the law. Thus, the appeals raise no substantial issue regarding conformity therewith.

The second factor is the scope of the development approved by the local government. The scope of the approved development is limited to the removal of a fence that exists as part of a barrier along the southwestern side of Marine Stadium, and its partial replacement. Thus, even if the project were to raise an issue regarding consistency with the LCP provisions and the public access policies of the Coastal Act, the small scope of the approved development would not support a finding that the appeals raise a “substantial” issue.

The third factor is the significance of the coastal resources affected by the decision. The appellants assert that the effect of the proposed project on coastal resources (and the adjacent neighborhood) is significant. The appeals, however, fail to demonstrate how the removal of the fence would create any adverse impact on coastal resources or the surrounding neighborhood in light of the fact that the City-approved project would leave in place the two-foot high brick barrier that currently exists beneath the entire chain-link fence, and none of the existing vehicular or pedestrian entrances to Marine Stadium would be altered. The local coastal development permit does not include any changes to the ongoing management of the City park or the surrounding streets. Therefore, it is reasonable to agree with the City’s conclusion that its approval of the project will have no adverse impact to coastal access or coastal resources.

The fourth factor is the precedential value of the local government’s decision for future interpretations of its LCP. This is designed to avoid leaving decisions in place that could create a precedent for how the relevant provision of the LCP is to be interpreted. In this case, the Commission does not find any negative precedential value in the City’s interpretation of the policies of the certified LCP or the public access policies of the Coastal Act.

The final factor is whether the appeals raise local issues, or those of regional or statewide significance. These appeals raise a localized issue related to the existence of a fence on public property. While the erection of new fences could raise significant public access issues, the proposed removal of a fence (and its partial replacement in the same location) and the appeals do not raise any issues of statewide significance.

In conclusion, the appeals raise no substantial issue in regards to the locally approved development’s conformity with the City of Long Beach Certified LCP (Local Coastal Program) and the public access policies of the Coastal Act.

D. Responses to Appellants' Specific Contentions

The previous section assessed the appeal under the applicable standard of review – whether it raised a substantial issue as to conformity with the City of Long Beach Certified LCP and the public access policies of the Coastal Act. The appellants have also raised several specific grounds for the appeals that are not directly relevant to that standard. Nevertheless, the Commission responds to each of the appellants' specific contentions below.

Mr. Goodhue's appeal asserts that the proposed project conflicts with Chapter 3 policies other than the public access policies. Mr. Goodhue's appeal asserts that the proposed project does not comply with the following recreation, development and marine environment policies of the Coastal Act.

Section 30220 (Recreation)

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30224 (Recreation)

Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.

Section 30234 (Marine Environment)

Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.

Section 30253 (Development)

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- (3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.
- (4) Minimize energy consumption and vehicle miles traveled.

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Mr. Goodhue's appeal asserts that the City's removal of the fence (that portion that would not be replaced) would adversely affect the boating activities in Marine Stadium by increasing conflicts between pedestrians and cars towing boat trailers, and between swimmers and boats in the water. Thus, his appeals include the reference to the Coastal Act policies that protect water-oriented recreational activities and recreational boating (Sections 30220, 30224 and 32034).

Mr. Goodhue's concerns are unsubstantiated, however, because of the fact that the City-approved project would leave in place the two-foot high brick barrier that currently exists beneath the entire chain-link fence, and none of the existing vehicular or pedestrian entrances to Marine Stadium would be altered. The local coastal development permit does not include any changes to the ongoing management of the City park or the recreational activities that occur at Marine Stadium. Therefore, it is reasonable to agree with the City's conclusion that its approval of the project will have no adverse impact to coastal access or coastal resources such as recreational boating.

Section 30253(5) protects special communities and neighborhoods that are popular visitor destination points for recreational uses, like the neighborhood adjacent to Marine Stadium. Again, the public safety aspect of the appeals is unsubstantiated because the proposed project would not result in any change to the existing public access points for either vehicles or pedestrians. Pedestrians can currently pass and repass into and out of Marine Stadium at anytime at many points, and the proposed project will not alter the time, place, and manner of public access. The existence or removal of the fence does not restrict or limit the intensity of the public's use of the recreational facilities at Marine Stadium because the pedestrian gates are never locked. The pattern of vehicular access will also not be changed by the proposed project, as the two-foot high brick barrier that currently exists beneath the entire chain-link fence will remain in place. Vehicles will have to continue to use the existing streets and access roads as they currently do. And finally, the fence to be removed (but not replaced) is situated between the Marine Stadium access road and Paoli Way, a public street (Exhibit #4). The fence is not on the border between the public land and the private property.

Another one of Mr. Goodhue's concerns is that the City's removal of the fence would be an inappropriate alteration of an historical monument. The Coastal Act and the LCP do not recognize the importance of the fence in question as being historical. The Coastal Act and the LCP do not require that the fence be maintained in place.

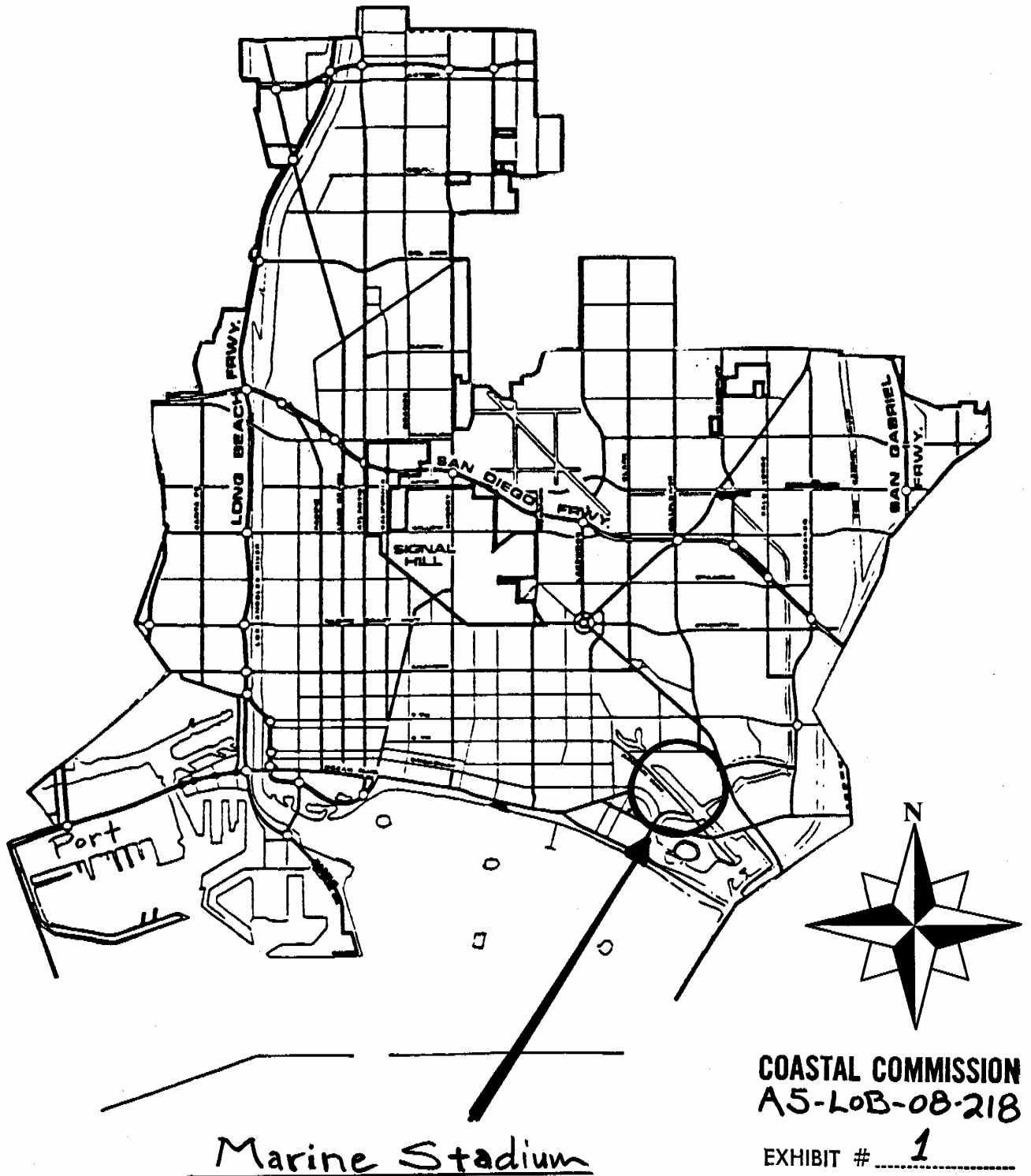
Ms. Aley's appeal asserts that the current operation of Marine Stadium is not in accordance with the City's Marine Stadium Operating Policy, Special Events Policies, or the LCP/RMP. While this assertion is debatable, it is not relevant to this appeal as the development in question is the removal and partial replacement of a fence, not the ongoing management and operation of Marine Stadium. The local coastal development permit does not include any changes to the ongoing management of the City park or the surrounding streets.

Ms. Aley's appeal also asserts that while the City claims there will be no impact on the operation of Marine Stadium or a negative environmental effect on the community, it still imposed a condition of approval requires that *"the Marine Advisory Commission shall review this action at a public meeting one year after the fence has been removed. The purpose of the review is to determine if any impacts have arisen as a result of the fence removal and if so, suggest appropriate mitigation."*

The City imposed this condition on the local coastal development permit in an effort to assure the opponents that it was not ignoring their claims of potential adverse impacts, however unlikely they may be. Such a cautionary condition is not a reasonable basis (i.e., substantial issue) for accepting an appeal of a local coastal development permit, even if potential future mitigation measures suggested by the Marine Advisory Commission cannot be binding or appealable to the Planning Commission, City Council or Coastal Commission. The suggestions adopted by the Marine Advisory Commission would only be advisory.

Finally, Ms. Aley's appeal asserts the City did not comply with the California Public Records Act and the Brown Act. The Commission is not an appellate body of general jurisdiction and does not have authority to review allegations of alleged due process violations in the City's procedures. The coastal development permit appeals process is used only to determine whether the proposed development complies with the Coastal Act and certified LCP. In regards to the California Public Records Act and the Brown Act, it is not the Commission's role to resolve conflicts over compliance with these laws. The Commission has a limited appellate authority/jurisdiction as defined by Section 30625(b) of the Coastal Act. If the appellants feel that the City violated non-Coastal Act related procedural requirements, their remedy is to seek recourse in the State courts of general jurisdiction.

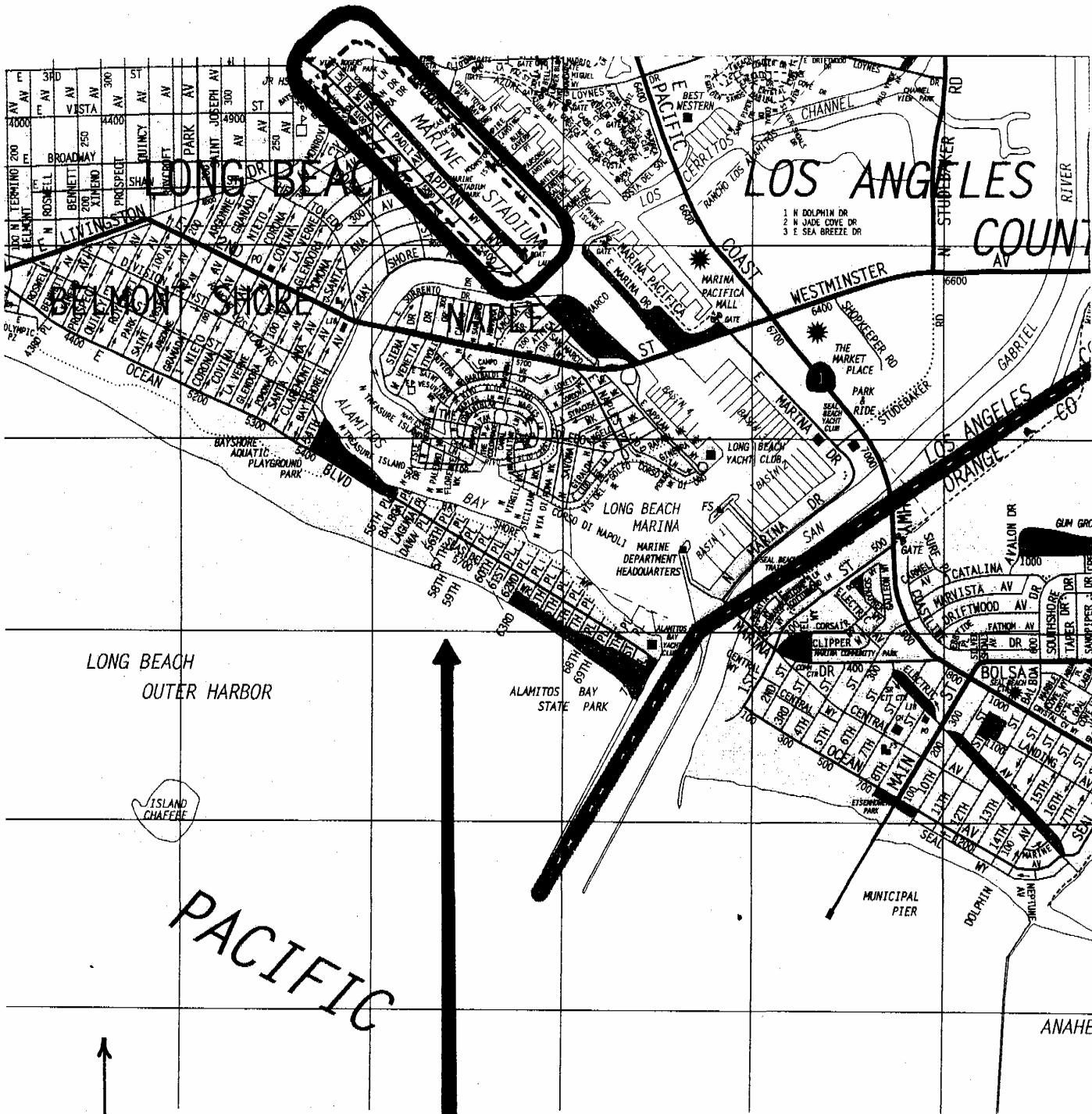
City of Long Beach



COASTAL COMMISSION
A5-LoB-08-218

EXHIBIT # 1

PAGE 1 OF 1



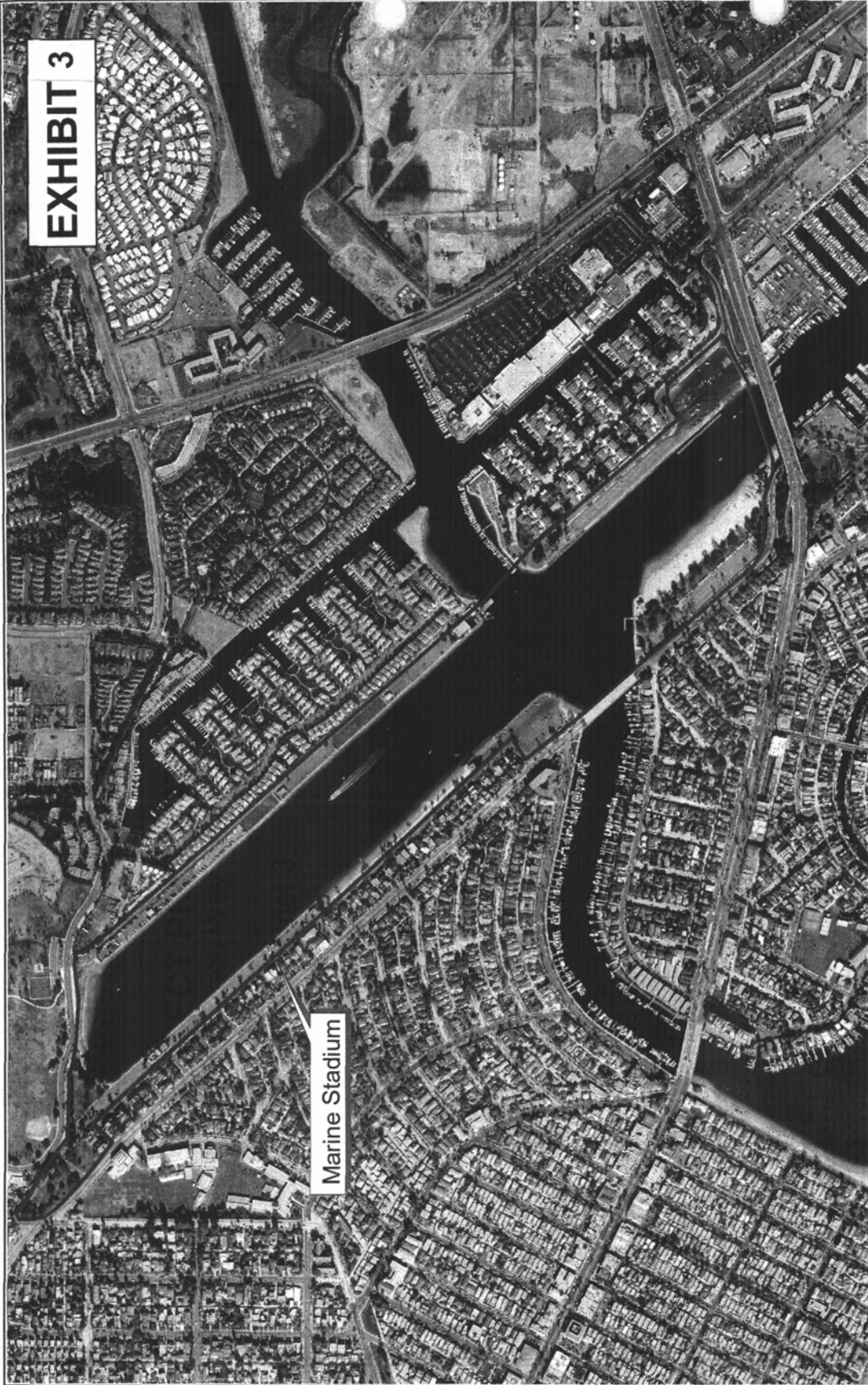
Project Site:

Marine Stadium

COASTAL COMMISSION
A5-LOB-08-218

EXHIBIT # 2
PAGE 1 OF 1

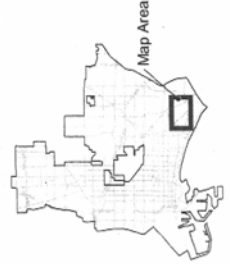
EXHIBIT 3



COASTAL COMMISSION
A5-LOB-08-218

EXHIBIT # 3

PAGE 1 OF 1



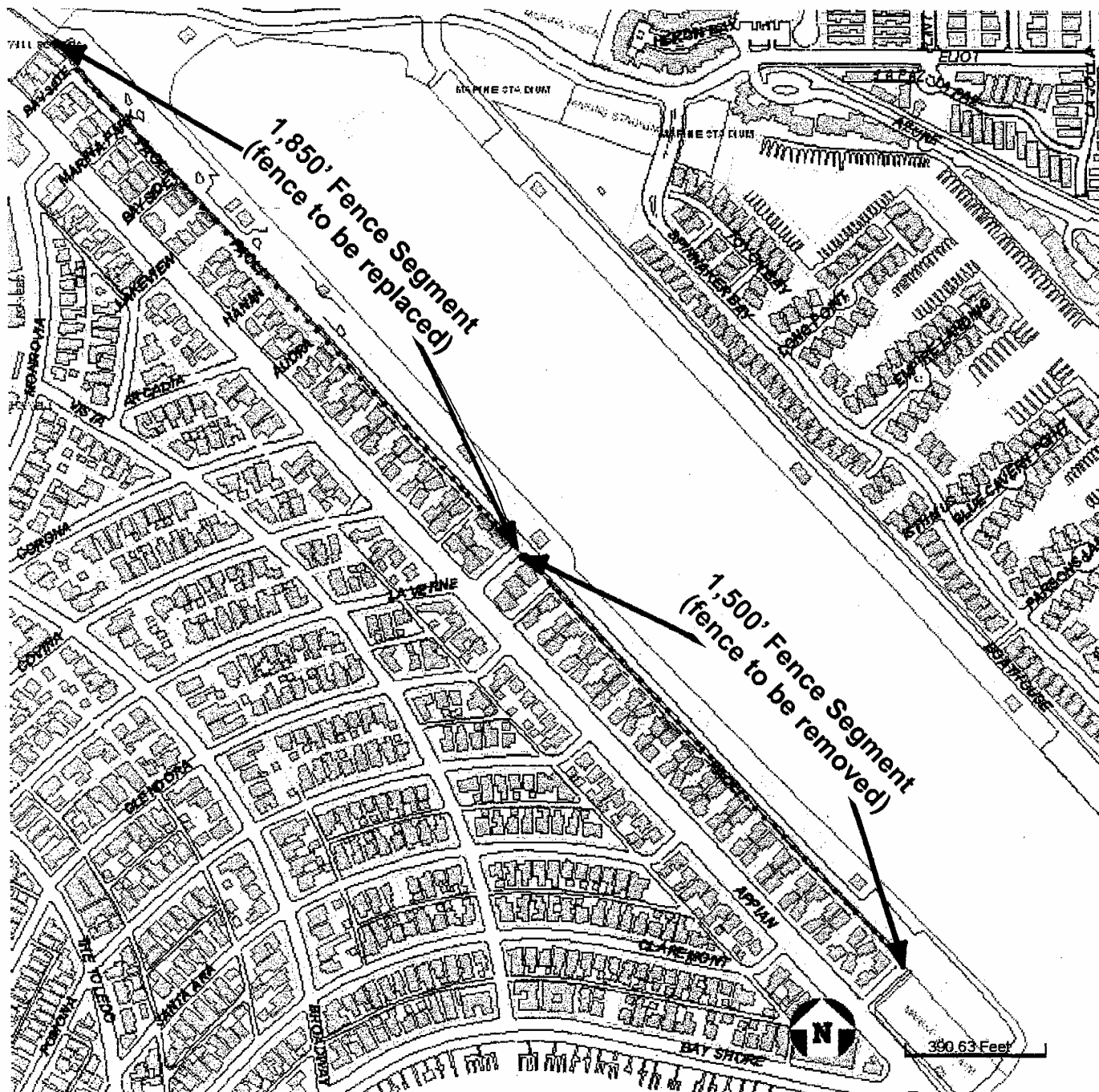
SUBJECT PROPERTY:

5255 Paoli Way
0802-01
Council District 3
Zone: P



Marine Stadium Fence

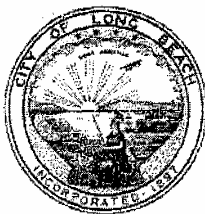
A5-LOB-08-218



COASTAL COMMISSION
A5-LOB-08-218

EXHIBIT # 4

PAGE 1 OF 1



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802 • FAX (562)570-6068

RECEIVED
South Coast Region

JUL 28 2008

CALIFORNIA
COASTAL COMMISSION

NOTICE OF FINAL LOCAL ACTION

Case No.: 0802-01

Project Location: 5255 Paoli Way (Marine Stadium)

Applicant: Mark Sandoval
c/o City of Long Beach
Department of Parks, Recreation and Marine
205 Marina Drive
Long Beach, CA 90803

Permit(s) Requested: Local Coastal Development Permit

Project Description: Appeal of the Zoning Administrator's decision to approve a LCDP to: 1) remove 1,500 linear feet of the existing 6'0" high chain fence from Bayshore Avenue to La Verne Avenue and 2) remove and replace 1,850 linear feet of the chain link fence between La Verne and 3rd Street with a similar height fence constructed of decorative wrought iron on the southwest side of Marine Stadium.

Local action was taken by the: Planning Commission on:
July 17, 2008

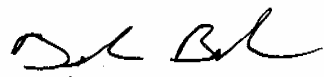
Decision: Denied (Deny Appeal)

Local action is final on: July 17, 2008

This project is in the Coastal Zone and IS appealable to the Coastal Commission.

"If you challenge the action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or issues raised via written correspondence delivered to the (public entity conducting the hearing) at or prior to the public hearing."

See other side for City of Long Beach and California Coastal Commission appeal procedures and time limits.


Jerek Burnham
Acting Zoning Administrator

Attachments

Lynette Ferenczy, Planner
Phone No.: (562)570-6272

Council District: 3

COASTAL COMMISSION
A5-LoB-08-218

EXHIBIT # 5

PAGE 1 OF 6

**LOCAL COASTAL DEVELOPMENT PERMIT
FINDINGS**

Case No. 0802-01 (Marine Stadium Fence)

Date: July 17, 2008

1. THE PROPOSED DEVELOPMENT CONFORMS TO THE CERTIFIED LOCAL COASTAL PROGRAM INCLUDING BUT NOT LIMITED TO ALL REQUIREMENTS FOR REPLACEMENT OF LOW AND MODERATE-INCOME HOUSING; AND

A positive finding can be made for this item.

The proposed project conforms to the Local Coastal Program (LCP). The use and administration of Marine Stadium is listed in the Local Coastal Plan under the Waterlands Resource Management Plan (RMP), pages III R-1 to R-18, and R34-R48. The Resource Management Plan provides processes to implement the Coastal Act to assure public access to coastal and tide-waterland activities, and among other issues, to establish a balance between public use of waterland and private use of surrounding urban areas.

The Resources Management Plan does not specifically address the fence along the southwest side of Marine Stadium. The plan references parking as a problem when special events are held at the stadium such as powerboat drag races. The major issues of resource management at Marine Stadium are the use of the stadium as a recreational and education facility and impacts of these uses on the surrounding residential neighborhood.

Marine Stadium was developed during the 1920's for the 1932 Olympic rowing events. The facility is 600' wide and approximately a mile long and was designed as a recreation and educational facility. Special events are also held at the facility, which is managed by the Parks, Recreation and Marine Bureau and Marine Advisory Commission (MAC). In 1977, the Recreation Commission determined that the facility shall be used for rowing, as this was original intended use, then recreational water skiing and powerboats. The site is currently located in the Park (P) zone.

Marine Stadium is a combination of water and land facilities. There is a 100' deep parking lot that includes a driveway along the southwest side of the stadium. A 4 to 5 foot wide landscape planter is located north of the fence. The fence along the south property line was constructed with the stadium in the 1930's and then rebuilt during the 1960's and consists of a 1 to 3 foot high block retaining wall with a 6 foot high open chain link fence above. The fence separates the stadium from Paoli Way, a 15' wide alley, and the single-family residential neighborhood to the south. The vehicle gate at the north end of the stadium is locked from dusk to dawn. The three pedestrian gates are open 24 hours a day.

The project involves the removal and replacement of 1,850 linear feet of 5'-6' high chain link fence with decorative wrought iron of the same height between La Verne Avenue and 3rd Street and removal of 1,500 linear feet of approximately 6'0" high chain link fence located south of the Marine Stadium parking lot between Bay Shore Avenue and La Verne Avenue, parallel to Paoli Way.

The proposed fencing project will not affect the use or activities, or access to Marine Stadium and conforms to Resources Management Plan of the Local Coastal Plan. Pedestrian access is currently provided at three points along this portion of the stadium. Removal of the fence will not reduce public access to the stadium. Regarding special events, these are reviewed on a case-by-case basis by the Parks, Recreation and Marine Department and security and/or temporary fencing are required on an as-needed basis for larger events.

2. THE PROPOSED DEVELOPMENT CONFORMS TO THE PUBLIC ACCESS AND RECREATION POLICIES OF CHAPTER 3 OF THE COASTAL ACT. THE SECOND FINDING APPLIES ONLY TO DEVELOPMENT LOCATED SEAWARD OF THE NEAREST PUBLIC HIGHWAY TO THE SHORELINE.

A positive finding can be made for this item.

Chapter 3 of the Coastal Act deals with the public's right to use of beach and water resources for recreational purposes. The chapter provides the basis for state and local governments to require beach access dedication and to prohibit development, which restricts public access to the beach and/or water resources. This chapter, Coastal Resources Planning and Management Policies, consists of three parts: Article 1 General, Article 2 Public Access and Article 3 Recreation.

Article 1 General - Section 30200. This section provides for direction to review activities in the coastal zone that could have a direct impact on resources within the coastal zone and shall consider such actions on coastal zone resources in order to assure policies are achieved.

Article 2 Public Access- Section 30210-30214. This section provides direction for public access to recreational opportunities and to ensure that development does not interfere with the public's right of access while protecting the rights of private property owners and natural resource areas from overuse. Currently, an approximately 6'0" high chain link fence is located along the south side of Marine Stadium between Paoli Way and the parking lot. If the fence is replaced with a decorative wrought iron fence from Laverne Avenue to 3rd Street no change is anticipated in access, as the fence will be replaced with a similar type structure. Any openings in the fence shall be replaced in the same location.

The other change is the removal of the existing chain link fence from Bayshore Avenue to La Verne Avenue. Public access currently exists for pedestrians at three points: at the southern end of the stadium near the launch ramp and bridge over

Alamitos Bay, near Santa Ana Avenue, and at La Verne Avenue. These pedestrian gates are not locked. To enter the parking area south of La Verne Avenue, which has a control arm, vehicles must pay a fee for use of the boat launch facilities. No swimming is permitted at Marine Stadium. A sandy beach exists between approximately La Verne and Glendora Avenue to Claremont Avenue approximately 1,100 feet long.

Removal of the chain link portion of the fence will increase visual access from Paoli Way and is not expected to affect pedestrian access to Marine Stadium as no change of use or additional limitations are proposed. Water safety should not be altered as Marine Stadium is not a swimming beach and is posted accordingly. Removal of the fence is not expected to increase use or change use of the facilities. Vehicles can currently park in the existing parking lot north of La Verne Avenue and pedestrians can access the stadium through the three existing pedestrian gates. Removal of the fence is not expected to increase public access over private property.

Section 30214 addresses the protection of privacy of adjacent property owners. Staff believes that removal of the fence will not contribute to the loss of privacy. Paoli Way is a 15' wide public alley that currently provides vehicle and pedestrian access to the homes along Paoli Way that front on Marine Stadium and is accessible to the general public. As these homes are currently located on a public alley, removal of the fence is not expected to alter the privacy of these homes.

Articles 3 Recreation - Section 30220-30224. This section provides for the protection of water-oriented recreational activities. The uses for Marine Stadium consist of rowing events, recreation water skiing, and powerboat activities. Swimming is not a permitted recreational use at this facility. Removal of the fence along the southern portion of the stadium is not expected to reduce or interfere with these recreational activities.

COASTAL COMMISSION

EXHIBIT # 5
PAGE 4 OF 6

**LOCAL COASTAL DEVELOPMENT PERMIT
CONDITIONS OF APPROVAL (Marine Stadium Fence)
Case No. 0802-01
Date: July 17, 2008**

1. This permit and all development rights hereunder shall **terminate one year** from the effective date (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date) of this permit unless construction is commenced or a time extension is granted, based on a written and approved request submitted prior to the expiration of the one year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
2. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return **written acknowledgment** of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgment Form* supplied by the Planning Bureau. This acknowledgment must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date). Prior to the issuance of a building permit, the applicant shall submit a revised set of plans reflecting all of the design changes set forth in the conditions of approval to the satisfaction of the Zoning Administrator.
3. If, for any reason, there is a **violation of any of the conditions** of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
4. The Director of Long Beach Development Services is authorized to make **minor modifications** to the approved design plans or to any of the conditions of approval if such modifications shall not significantly change/alter the approved design/project. The Site Plan Review Committee or Planning Commission shall review any major modifications, respectively.
5. Site development, including landscaping, shall conform to the approved plans on file in the Department of Planning and Building. At least **one set of approved plans** containing Planning, Building, Fire, and, if applicable, Redevelopment and Health Department stamps **shall be maintained at the job site**, at all times for reference purposes during construction and final inspection.
6. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).

7. Any graffiti found on site must be removed within 24 hours of its appearance.
8. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building Bureau must be secured.
9. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
 - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
 - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
 - c. Sundays: not allowed
10. Any off-site improvements found to be damaged shall be replaced to the satisfaction of the Director of Public Works.
11. A Local Coastal Development Permit (LCDP) is granted to remove 1,500 linear feet of chain link fence above an existing 1-3' high retaining wall between La Verne Avenue and Bayshore Avenue and remove and replace 1,850 linear feet of chain link fence between La Verne Avenue and 3rd Street with a decorative wrought iron fence of a similar height. The fence shall be constructed on top of the existing concrete retaining wall.
12. The Marine Advisory Commission (MAC) shall review this action at a public meeting one year after the fence has been removed. The purpose of the review is to determine if any impacts have arisen as a result of the fence removal and if so, suggest appropriate mitigation.
13. Compliance is required with these Conditions of Approval as long as this use is on site. As such, the site shall be available for periodic reinspection conducted at the discretion of city officials, to verify that all conditions of approval are being met. The property owner shall reimburse the City for the inspection cost as per the special building inspection specifications established by City Council.

COASTAL COMMISSION

EXHIBIT # 5
PAGE 6 OF 6

RECEIVED
South Coast Region

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSIONSOUTH COAST DISTRICT OFFICE
200 OCEANGATE, 10TH FLOOR
LONG BEACH, CA 90802-4416
VOICE (562) 590-5071 FAX (562) 590-5084

AUG 6 2008

CALIFORNIA
COASTAL COMMISSION**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT****Please Review Attached Appeal Information Sheet Prior To Completing This Form.****SECTION I. Appellant(s)**Name: **LAURENCE B Goodhue**Mailing Address: **USPO BOX 14464**City: **LONG BEACH, CA**Zip Code: **90803**Phone: **323 474-4446****SECTION II. Decision Being Appealed**

1. Name of local/port government:

CITY OF LONG BEACH,

2. Brief description of development being appealed:

**REMOVAL OF 1500 LINEAR FEET OF EXISTING
6' 0" HIGH CHAIN LINK FENCE FROM BAY SHORE TO
LA VERNE AVENUE**

3. Development's location (street address, assessor's parcel no., cross street, etc.):

5255 PACIFIC WAY, LONG BEACH 90803

4. Description of decision being appealed (check one.):

☐ Approval; no special conditions☒ Approval with special conditions:☐ Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:APPEAL NO: **A-5-LOB-08-218**DATE FILED: **8/6/08**DISTRICT: **South Coast****COASTAL COMMISSION**
A5-LOB-08-218EXHIBIT # **6**PAGE **1** OF **11**

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

1. Removal inherently intensifies the propensity of removal of popular City, Regional, State- and beyond-low cost boating venue by ushering in activities for which the venue was neither granted nor designed.

2. Removal presents a clear and present danger to public safety.

3. Removal impedes the safe entry and re entry, safe passage and re passage of boating public towing trailers and boats.

4. Removal violates no less than five sections of the California Act.

5. Removal does not provide the type of access the Coastal Act warrants.

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cacrewood8@fastmail.fm

COASTAL COMMISSION

EXHIBIT # 6
PAGE 2 OF 11

Provenance and Import of Long Beach Marine Stadium Fencing

In 1933, pursuant to the unanimous vote of the Long Beach City Council, the city designed, acquired and installed a chain link fence to encompass the Long Beach Marine Stadium/Rowing Venue for the rowing events of the Xth Olympiad and 1968, 1976 & 1984 United States Olympic trials. The legislative intent of said action, which reflected the intent of the community, was well chronicled in local, regional, state, national and world press by one of the preeminent sportscasters of the day, Damon Runyon. Attached is a color photograph of the original copy of drawing No. B-236; City Engineers Office - Chain link fence surrounding the Marine Stadium, November 1933. The original framed copy, hangs in a home overlooking the stadium. The desire and intent of the city to protect this unique recreational boating venue, is further memorialized in the official Xth Olympiad game program, on file with the Long Beach Public Library and the Library of Congress, a copy of which is attached.

The dictum of the intent is welded into a series of actions which span over seventy-five years and include the determinations and judgments of nearly three hundred council and commission board members, supervisors, attorneys general and six governors.

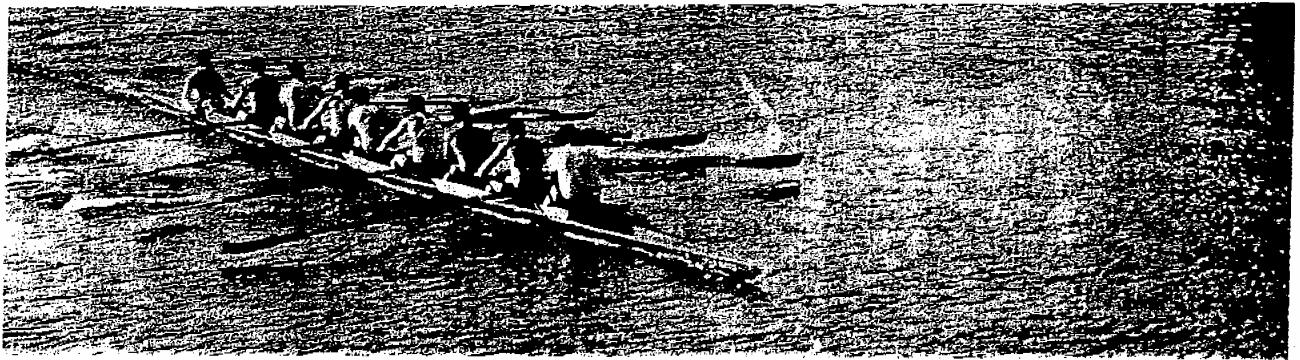
The Magna Carta for the venue in chief is found within Deed #753: Deed of Trust (June 12, 1923) between San Gabriel River Improvement Company and the City of Long Beach, which grants lands to the city AND REQUIRES THE CITY to create a boating venue; Council Resolution #C2795 - accepting the gift subsequent to council action directing the city manager to enter into agreements with the Secretary of War for purposes of dredging.

The history of this unique boating venue is near overwhelming. This executive summary, with attached copies of documents and photographs, is transmitted to the new mayor and council person, both fine people, but relatively new to our fair hamlet. It is being thus transmitted with the suggestion that, when time permits, they make arrangements with the Director of Library Services to review the secured collection of articles, documents and photographs relative to this city and state landmark, which their office warrants them to protect and preserve.

Under separate cover, will come in a few days, the manifest evidence of the costly consequences of failing to protect one of the city's most cherished and valuable assets, vis-à-vis the removal of critical sections of fencing by the errant and obtuse, who on little more than a whim dejure, thumbed their nose at three quarters of a century's dictum, the combined judgment of the above referenced three hundred reasoned minds, as well as the LBPD who advise against its removal.

COASTAL COMMISSION

EXHIBIT # 6
PAGE 3 OF 11



LONG BEACH MARINE STADIUM

Stretching for a mile and a quarter in a straight line, and measuring 600 feet in width, the rowing course of this splendid marine stadium is declared by international experts to be the finest ever provided for the Olympic rowing events. Excellent boat houses, dressing rooms and club facilities were provided for the contestants, while Alamitos Bay, of which the stadium is a part, was available for practice purposes. The City of Long Beach has cooperated with the Organizing Committee by enclosing the entire rowing course with a fence and trees, thus making it the only stadium in the world devoted exclusively to rowing and boating. It will remain, after the Games of the Xth Olympiad, as a splendid addition to the many recreational facilities which Long Beach has provided for its residents and the many tourists who visit it annually.



COASTAL COMMISSION

EXHIBIT 6

PAGE 4 OF 11

L. B. COLL. Vire Fence to Inclose Stadium for Rowing Races

A wire fence is being built to the Olympic Stadium for the Olympic rowing regatta. The six-foot fence will be supported by three strands of barbed wire, the top strand eighteen feet above the wire. Bleachers and thousands of persons standing and sitting on the banks of the lagoon will prevent servance of the rowing events by sons outside the wire fence. Building of the boathouse is near completion. Racks for the shells being placed. W. W. Monahan, manager of the rowing, will have office at the boathouse. Charles Hunt, technical sports director, will be at the training quarters. Stands for the press and judges being built. Telephone lines the side of the course will connect an announcer at the microphone for a public address system with observers who will report on the progress of the races. The announcer will tell all the progress to thousands of sons in the bleachers and grandstands and along the course.

Stadium has been erected. That is because your course, unexcelled anywhere in the world, is the only course where spectators can see both the beginning and finish of the events. Like athletes of the world will parade here in the greatest rowing events ever held.

"Your stadium and rowing course will mean that a constant series of events will be under way. And I see no reason why universities and other organizations should not select Long Beach for their rowing events. Your course offers the best ever found."

Mr. Farmer was high in his praise of members of the City Administration, who he said, had exhibited a splendid spirit of co-operation with the Olympic Committee.

Mayor Grooms Notables

Mayor A. E. Fickling greeted the notables in behalf of the city.

"Long Beach is signally honored," the Mayor said, "by the selection of this city for the rowing events of the Olympic Games. It is the greatest event Long Beach ever has had. The visit of the best athletes of the different countries of the world will, I am sure, develop a friendly spirit of rivalry and instill a great friendliness between the people of the world."

Continued co-operation of the city and the City Administration was pledged the Olympic Committee by the Mayor.

Lieut. Governor Frank F. Merriam, who represented Governor James Rolph Jr., declared that the Olympic Games belongs to the whole State for the holding of the Games in the Southland was made possible by the generous action of the California Legislature in appropriating \$1,000,000 for the Games.

"The Games," Lieut. Governor Merriam said, "belong to all of California, and the State officials are more than glad to join in ceremonies which mark progress in preparation for the Games."

"The Lieut. Governor was high in praise of William May Garland whose efforts 'almost single-handed' had brought the Games to Southern California."

Mr. Farmer previously had expressed regrets at the inability of Mr. Garland to attend the ground-breaking ceremonies because of Olympic business.

Ground-Breaking Ceremony

Clyde Doyle, chairman of the Recreation Commission and head of the Long Beach Olympic Committee, introduced officials and prominent visitors. Those who were introduced were Mayor Fickling, Councilmen Oliver S. Peacock, Frank Church and J. W. V. Steele, Arthur Addams, Director of Public Service; Gilbert Arnold, Pete Mohrbacker, A. A. Knolls, Captain Robert Henderson, Lon E. Peek, Charles Hunt, Gwyn Wilson, assistant to Mr. Farmer; William Henry technician for the Games, and Mr. Farmer.

After the ceremonies at the stand Lieut. Governor Merriam, Mayor Fickling, Mr. Hunt, Mr. Farmer and Mr. Peek each joined in the ground-breaking. The Lieut. Governor wielded a pick, while his co-workers showed how deftly they handled shovels.

COASTAL COMMISSION

EXHIBIT # 6
PAGE 5 OF 11

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BETWEEN

LONG BEACH PUBLIC LIBRARY
101 PACIFIC AVENUE
LONG BEACH, CALIF. 90802

The RECREATION COMMISSION, a duly constituted Board of said City,

SECOND PARTY,

XTH OLYMPIADE COMMITTEE OF THE GAMES OF
LOS ANGELES U.S.A. 1932, LTD., A corpora-
tion,

W I T N E S S E T H :

WHEREAS, rowing contests constitute a feature of said games, and it is necessary that facilities be provided therefor; and

WHEREAS, the improvement of said Long Beach Marine Stadium as a permanent rowing and sculling course for the continuous enjoyment and recreation of the people of the community will be of great public benefit, and

EXHIBIT # 6
PAGE 6 OF 11

1 the First and Second Parties, accordingly, desire and intend to make said im-
2 provement; and

3 WHEREAS, it will be of great public benefit to hold said rowing
4 contests in connection with said Olympic Games in said City of Long Beach,
5 in that the same will attract visitors in great numbers to said city; will
6 create widespread interest in said city, and will provide entertainment and
7 recreation for the community; and said First and Second Parties, accordingly,
8 desire that said rowing contests be held in said city, at said Long Beach
9 Marine Stadium; and

10 WHEREAS, the Third Party is willing to award, and will award, and
11 shall conduct and hold said rowing contest, in connection with said Olympic
12 Games, to the said City of Long Beach, upon the terms and conditions hereinaf-
13 ter expressed;

14 NOW, THEREFORE, in consideration of the premises and in accordance
15 with and pursuant to the terms, conditions and covenants herein contained, it
16 is hereby agreed as follows:

17 On or before January 1, 1932, the First and Second Parties will do
18 and/or cause to be done and completed the following:

19 The rowing course shall be dredged and otherwise completed, in
20 accordance with the attached map, so that the outside borders of the course,
21 for the entire length thereof, as well as the interior of the course, shall
22 have a minimum of five (5) feet of water at low tide, and so that the buoys to
23 be anchored as markers on the outside borders of the course will be floating
24 at all times in not less than five (5) feet of water; said course to be two
25 thousand (2,000) meters long, and two hundred twenty-five (225) feet wide,
26 minimum width from side line to side line of floating buoys, with approximately
27 two hundred (200) feet of water behind the starting line, and approximately
28 six hundred (600) feet of water beyond the finish line, as shown on said map.
29 Roads shall be constructed the full length of the course on the east side,
30 including the building and construction of a bridge across the lagoon at the
31 place marked "Bridge" upon said map, and on the west side from Colorado
32 Street to the lagoon leading to Alamitos Bay, as shown on said attached map.

1 A fence shall be erected surrounding the entire course, at approximately the
2 outer boundaries of the city owned properties, as shown upon said map. A
3 sufficient number of comfort stations shall be erected inside of said fence.
4 The ground areas of the city owned land between Colorado Street and both of
5 the stands for spectators, as shown on the attached map, and surrounding said
6 stands, shall be suitably smoothed up and hardened.

7 The Recreation Commission will issue to the said Third Party all
8 permits necessary for its use within the contemplation of the parties hereto.

9 It is understood and agreed that commencing on the first day of
10 July, 1932, and ending on the 16th day of August, 1932, the Third Party shall
11 have the exclusive possession and use of said rowing and sculling course,
12 completed as aforesaid, including the area within said fence, as shown on the
13 attached map, and all buildings, equipment, installations, appurtenances
14 and facilities appurtenant to, or connected with, said rowing course, within
15 said fenced area, also all light, heat, power and water, and including the
16 portable bleachers, public address or loudspeaker equipment, and other
17 apparatus and facilities in the possession of the First and Second Parties,
18 at said premises, all without charge to the Third Party, for the purpose of
19 preparing for, conducting, and holding the aforesaid rowing contests in con-
20 nection with said Olympic Games; with the right to the Third Party to charge
21 the public for admission to said events or exhibitions, and to receive, for
22 its own account, the gross proceeds of said admission charges for said ex-
23 hibitions, and concessions, licenses and privileges granted by the Third
24 Party within said fenced area. During the aforesaid period from July 1, 1932,
25 to August 16, 1932, inclusive, the operation, control, possession and manage-
26 ment of the premises and appurtenances hereinbefore referred to, and the
27 operation, control, management, and administration of the contests and games
28 to be held at said premises shall be exclusively in the Third Party. The
29 third Party shall, at all times hereafter, and prior to July 1, 1932, have
30 access to the aforesaid premises for the purpose of preparing for said rowing
31 contests, and effecting the necessary constructions and installations therefor.
32 The Third Party shall have the right to erect on the premises, at the places

12

1 to be determined by itself, stands for the seating of spectators, and it shall
2 have the right to demolish or otherwise remove the same at the conclusion of
3 the Olympic rowing events; it shall either demolish or otherwise remove said
4 stand or stands on or before August 31, 1932; the erection of said stand or
5 stands, the maintenance thereof during said period time, and the demolition
6 of and/or removal thereof, shall be at the expense of the Third Party, in-
7 cluding all labor and/or materials.

8 It is expressly understood and agreed that the Third Party will,
9 at its own expense and upon its own responsibility, construct, on said
10 premises, all of the Olympic rowing installations, such as starting piers,
11 floating and anchored buoy markers for the side lines of the prescribed
12 course, the platform at the finish line for officials, a boat house to hold
13 sculls and shells of competitors, with all necessary facilities, all of
14 said Olympic rowing installations to be in accord with specifications fur-
15 nished by the International Federation of Rowing Societies, to the Third
16 Party; and none of said Olympic installations shall be removed by the Third
17 Party, but shall be left in place by the Third Party at the conclusion of
18 the Olympic rowing events, as the property of the First Party.

19 All buildings, piers, boat houses, stands and/or other structures
20 erected by the Third Party on said area shall also conform to the Building
21 Code, Ordinances of the City of Long Beach, and any other laws pertaining
22 thereto.

23 It is further expressly understood and agreed that the Third Party
24 will fully pay for all materials joined or affixed to said premises at its
25 instance or request, and to pay in full all persons that perform labor upon
26 said premises at its instance or request, and it will not permit or suffer
27 any mechanic's lien or liens, or material lien or liens, of any kind or
28 nature, to be enforced against said premises for any work done or materials
29 furnished thereon at its instance or request.

30 It is also further expressly understood and agreed that the Third
31 Party assumes full responsibility for the safety of its employees, property
32 and equipment placed by it upon said premises, and for any damage or injury

1 done by or to them from any source or cause. And said Third Party shall take
2 out and at all times keep in full force and effect sufficient workmen's
3 compensation insurance required by the laws of the State of California and/or
4 the United States of America.

5 It is also further expressly understood, stipulated and agreed
6 that the First Party and/or Second Party shall not be liable for any injuries
7 to the Third Party, or to any employees of the Third Party, or for loss or
8 destruction of or damage to any properties of the Third Party, or to the
9 property brought, stored, placed or used upon said premises, or injuries
10 to any person upon said property from any cause whatsoever while under the
11 use and/or control of the Third Party, as herein contemplated, and/or during
12 the construction of any building, pier, boat house, stands or other struc-
13 tures erected thereon by the Third Party, and the Third Party hereby agrees
14 to indemnify and save harmless the said First Party and/or Second Party from
15 and against any and all claim, liability, demand or cause of action result-
16 ing directly or indirectly from any injury to persons or loss or destruction
17 of or damage to property, and from and against any and all claim, liability,
18 demand or cause of action arising directly or indirectly from the use of
19 said premises by the Third Party, and from and against any claim, liability,
20 cause of action or damage which any insurer may at any time assert or undertake
21 to assert against the First and/or Second Party.

22 The Third Party shall execute a good and sufficient bond to the City
23 of Long Beach in the penal sum of Five Hundred Dollars (\$500.00), condi-
24 tioned upon the faithful performance of this contract.

25 The terms, agreements and conditions of this contract shall cease
26 to bind any of the parties hereto if the Games of the Xth Olympiad shall not
27 be held in California in 1932.

28 IN WITNESS WHEREOF, the First Party has caused this Instrument to
29 be executed by its City Manager thereunto duly authorized; the Second Party
30 has caused this Instrument to be executed by the Director of Playgrounds and
31 Public Recreation, thereunto duly authorized, and the Third Party has caused
32 this Instrument to be executed under its corporate seal by its Vice

1 President and Secretary, thereunto duly authorized, the day and year first
2 aforesaid.

3 CITY OF LONG BEACH, a municipal
4 corporation,

5 By *A. E. Lewis*
6 City Manager

7 FIRST PARTY

8 The RECREATION COMMISSION,

9 By *Charles H. ...*
10 Director of Playgrounds and
11 Public Recreation

12 SECOND PARTY

13 XTH OLYMPIADE COMMITTEE OF THE
14 GAMES OF LOS ANGELES U.S.A. 1932,
15 LTD.

16 By *Maynard M. ...*
17 Vice President

18 By *Lack ...*
19 Secretary

20 THIRD PARTY

21 Approved as to form this 8th
22 day of July, 1931

23 NOWLAND M. REID, CITY ATTORNEY,

24 By
25 Deputy

26 EJC:DP
27 7831

28
29
30
31
32
COASTAL COMMISSION

EXHIBIT # 6
PAGE 11 OF 11

Kerrie Aley 8/11/08

California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802

Dear California Coastal Commissioners:

The basis of my appeal is as follows:

- Long Beach's Local Coastal Development Permit Findings for the action to remove a portion of the Marine Stadium fence are not justifiable and violates the intent of the CA Coastal Act and the Local Coastal Plan (LCP), which includes the Marine Stadium Resource Management Plan (RMP).

Contained in the LCP is a section describing the intent of the RMP for Marine Stadium as
"an implementation plan, providing processes and actions to carry out the intent of the Act and desires of the citizenry consistent with and responsive to the Act. The overall thrust of this implementation plan is to improve and assure public access to coastal and tide-waterland amenities, to improve and maintained water quality, to seek and establish a harmony between public use a waterlands and private use of surrounding urban areas, and to protect and enhance the viability of environmentally sensitive areas."

- The current operation of Marine Stadium is not in accordance with City's Marine Stadium Operating Policy, Special Events Policies, or the LCP/ RMP.
- Removal of the fence will exacerbate known problems such as traffic and parking control, security, and special event impact. Marine Stadium operation problems have been extensively documented in the LCP/RMP, two past EIRs (1976, 1982), and in recent correspondence opposing the removal of the fence.
- The City claims there will be no impact on the operation of Marine Stadium or a negative environmental effect on the community. Yet a condition of approval requires that *"the Marine Stadium Advisory Commission review the action at a public meeting one year after the fence has been removed. The purpose of the review is to determine if any impacts have arisen as a result of the fence removal and if so, suggest appropriate mitigation."*

The Planning Commission denied my appeal of the Zoning Administrator's approval. The City Council did not review this action and the Coastal Commission is now the final oversight on this matter. The City's condition of approval suggests possible unknown future mitigation by a City "advisory commission". Mitigation requiring a new action that is neither binding nor appealable to the Planning Commission, City Council, or Coastal Commission is unacceptable because the unspecified mitigation may alter the use of the Marine Stadium or leave unattended a serious negative impact on the surrounding residential neighborhood.

- I concerned about the fairness and public participation in the City's approval process, and their non-compliance with CA Public Records Act and CA Brown Act.

COASTAL COMMISSION
A5-LOB-08-218

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Local Coastal Development Permit Findings

The City's arguments at the Marine Advisory Commission, Zoning Administration and Planning Commission included the following positive findings supporting the removal of the fence:

Coastal Act Restrictions-**NO ISSUE**
Operations- **NO ISSUE**
Security-**NO ISSUE**
Special Events-**NO ISSUE**

Mark Sandoval, manager of the LB Marine Bureau presented these arguments (See Attachment 1) at public meetings while claiming that removing the fence would have no impact on either Marine Stadium or the surrounding community. Yet in the press Mr. Sandoval, Dave Ashman manager of LB Special Events and other City officials made numerous statements about Marine Stadium, which contradict the City of Long Beach's findings that there were "NO ISSUES".

This reader should note the change in tone after each City action... from *providing safety & security with a temporary fence-to requiring traffic parking mitigation-to the City has no way to control event traffic and parking in residential neighborhoods.*

What exactly should the boaters, event operators, and homeowners expect after the Marine Stadium fence is gone? How can the public fully participate in the City's decision-making process when they are deceived about the potential impact of the project? Alternatively, could it be that the City itself that does not know what it is doing and has not adequately studied the issue? Either way the Coastal Commission should not allow this permit.

GRUNNION GAZETTE

Marine Advisory Commission Approval

On March 13 2008 Mark Sandoval *"said that one option to help increase safety and mitigate crowd control during large events would be to require that the event organizers and promoters (whom the city rents the stadium out to) provide their own security and/or temporary fences."*

Controversy Over Fence Removal, Carla M. Collado Grunnion Gazette

Zoning Administrator Approval

On July 24 2008 Mark Sandoval :

"said that larger events at the stadium, such as the Dragon Boat races, will have to file traffic and crowd management plans with the city that will deal with keeping people and cars away from homes. The only reason a temporary fence would be put up is to secure the venue for a charged event," Sandoval said, noting that currently the only one of those is the Sprint Nationals boat races."

Debate Over Marine Stadium Fence Heads To Planning, Kurt Helin Grunnion Gazette

Planning Commission Denial of Appeal

July 31 2008 statements from City officials and Dave Ashman Manager of LB Special Events:

"City officials say that there is a parking plan for these events, but it cannot be more than a voluntary one — you can't stop people from parking on a public street."

The city had a parking study done of the area around the Colorado Lagoon, said Dave Ashman, the manager of special events for the city. The parking plan for the Dragon Boat event last weekend and the Sprint Nationals were even taken to the Coastal Commission this year. What the Coastal Commission (staff) said is that all the parking on the coast has to be open and available on a first-come, first served basis," Ashman said."

Sprint Boat Nationals Prompt City Parking Discussion, Kurt Helin Grunnion Gazette

COASTAL COMMISSION

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Special Events at Marine Stadium

Loss of Parking- After the LBP was approved, (early 80's), the City of Long Beach decided to put in Marina Vista Park. This new park eliminated the large dirt lot used for overflow parking at the north end of Marine Stadium. As a result, hundreds of special event parking spots have been lost.

Current Situation- In recent years, the City has entered a profit sharing agreement with a non-profit organization the "Long Beach Sea Festival" to promote large events at Marine Stadium. These events have overwhelming spectator to participant ratios. The attendance at these growing events already exceeds the parking capacity at the venue. Event parking has begun to overflow into Belmont Park, Belmont Heights, and Alamitos Heights. As the number and size of events has grown considerably in the last 3 years it should be expected that the will increase in size. The Dragon Boat Race at Marine Stadium is now the largest event of this type in the California.

Lack of Traffic/Parking Plans- The City has approved event operator traffic and parking plans, which are essentially non-existent. The City and event operators have refused to mitigate the situation by using shuttle buses or limit the number of spectators with pre-purchased tickets. See attachment 2.

Cost to Non-Profit Groups- While the fence around Marine Stadium was not specifically discussed in the LCP/RMP, fencing around Colorado Lagoon is mentioned and it is clear to me that the intention of the document was that the 75-year-old stadium fences remain. With the fence removed, the City will have limited means to control the thousands of spectators who gather to see events such as the Dragon Boats or power boat races. If a temporary fence is required to contain traffic/parking/number of spectators, the cost may be prohibitive to non-profit groups who use the venue for a participant based activity rather than a fund raising activity.

Public Participation, CA Public Records Act, and Brown Act.

The Coastal Commission has a long tradition of encouraging fairness and public participation in its decision making

By delegating much of it decision making authority to Long Beach for compliance to the LCP, the City has a responsibility to the Coastal Commission to conducts its business at the same ethical standards. I do not feel that the City has acted in a manner that supports the Coastal Act's intent. (See attachments 2 and 3)

While I understand that this matter may not be specifically germane to the permit appeal, I hope that the Commission will provide Long Beach with guidance on how to comply with the Coastal Act.

Section 30006 Legislative findings and declarations; public participation

The Legislature further finds and declares that the public has a right to fully participate in decisions affecting coastal planning, conservation and development; that achievement of sound coastal conservation and development is dependent upon public understanding and support; and that the continuing planning and implementation of programs for coastal conservation and development should include the widest opportunity for public participation.

Other Environmental Concerns.

This appeal brings up environmental issues related to the operation of special events at Marine Stadium, which raises questions about the City's intention or ability to plan for or mitigate environmental impacts at special events at this venue. These impacts include excessive noise (120db) and pollution from speedboats races and traffic/parking impacts from large special events. The environmental impact of these events must be carefully monitored and mitigated due to the close proximity of residents on all sides of Marine Stadium and sensitive wildlife living at Colorado Lagoon and Sims Pond.

While I understand the desires of homeowners adjacent to Marine Stadium to improve their water view there is no urgency in approving this permit. I am requesting that the Coastal Commission approve my appeal and deny this permit.

I am asking that this commission direct its staff to provide needed guidance to Long Beach on the operation/ mitigation of special events at Marine Stadium. Once the City, Community, and Special Event Operators have publically vetted and approved plans and agreed to what the mitigation will be required for the fences removal then this permit can be submitted.

I am also requesting that this Commission re-enforce the City's responsibility to cooperate with the public, provide accurate and timely access to information and require public fairness when hearing coastal permit issues. Thanks you for your time and consideration of this matter,

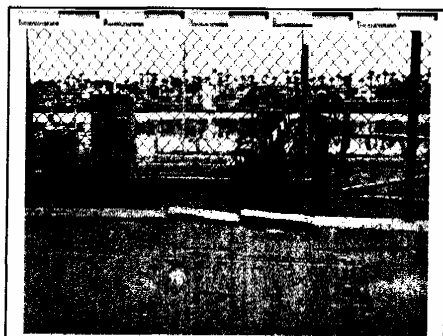
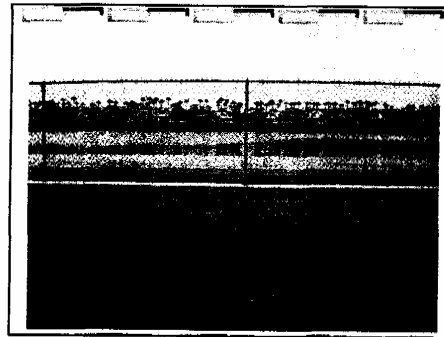
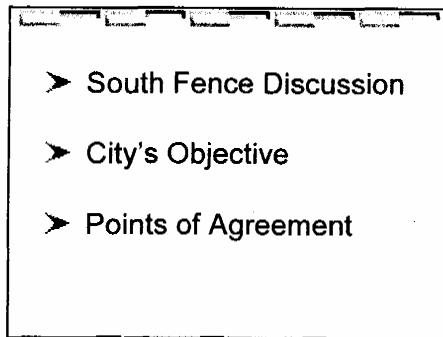
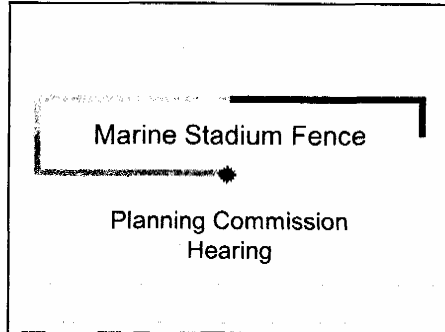
KSA

Kerrie Alely

3 of 3 Kerrie Alely

COASTAL COMMISSION

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COASTAL COMMISSION



Resident Concerns:

- Aesthetics
- Safety
- Property Values
- Security

City Concerns:

- Coastal Act Restrictions
- Operations
- Security
- Special Events
- Resident Preference

City Concerns – Summary of Findings:

- Coastal Act Restrictions – NO ISSUE
- Operations – NO ISSUE
- Security – NO ISSUE
- Special Events – NO ISSUE
- Resident Preference – Survey Needed

RESULTS OF MARINE STAGNATION FENCE SURVEY

Key:

- A - Keep as is
- B - Remove fence and keep only low wall
- C - Replace with decorative fence (keep low wall)
- D - Remove everything
- NR - No response

	TOTAL				
	Wagstaff	Beach Rentals	North of Aspen	TOTAL	%
A	1	2	0	3	0%
B	10	10	12	32	20%
C	20	22	12	54	32%
D	0	2	5	7	4%
NR	10	32	21	63	33%
	31	67	50	148	100%



COASTAL COMMISSION

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RESULTS OF MARINE STADIUM FENCE SURVEY

Key:
 A - Keep as is
 B - Restore fence and keep only low wall
 C - Replace with decorative fence (keep low wall)
 D - Remove everything
 NR - No response

	ENTRANCE TO LA VERNE			TOTAL	%
	Waterfront	Back Rowls	North of Apollo		
A	4	1	3	8	4%
B	5	7	5	17	18%
C	21	18	3	42	43%
D	0	2	2	4	4%
NR	2	12	12	26	26%
	29	30	25	84	100%

RESULTS OF MARINE STADIUM FENCE SURVEY

Key:
 A - Keep as is
 B - Remove fence and keep only low wall
 C - Replace with decorative fence (keep low wall)
 D - Remove everything
 NR - No response

	LA VERNE TO END			TOTAL	%
	Waterfront	Back Rowls	North of Apollo		
A	1	1	0	2	6%
B	13	12	7	32	32%
C	7	7	9	23	23%
D	0	0	1	1	1%
NR	8	0	10	18	18%
	29	20	17	66	100%

RESULTS OF MARINE STADIUM FENCE SURVEY

Key:
 A - Keep as is
 B - Restore fence and keep only low wall
 C - Replace with decorative fence (keep low wall)
 D - Remove everything
 NR - No response

	LA VERNE TO END			TOTAL	%
	Waterfront	Back Rowls	North of Apollo		
A	1	1	0	2	3%
B	13	12	4	29	43%
C	7	7	0	14	24%
D	0	0	0	0	0%
NR	0	0	0	0	0%
	21	20	4	45	100%

City Concerns:

- Coastal Act Restrictions – NO ISSUE
- Operations – NO ISSUE
- Security – NO ISSUE
- Special Events – NO ISSUE
- Resident Preference – Survey Completed

Recommendations

1. From the entrance to the gate arm at La Verne, remove the fence, repair the masonry wall and replace the fence with a more decorative fence.
2. From the gate arm at La Verne, remove the fence and repair the masonry wall.

COASTAL COMMISSION

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CITY OF LONG BEACH

LONG BEACH DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

PLANNING BUREAU/COMMUNITY DESIGN & DEVELOPMENT DIVISION

APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the

☒ Zoning Administrator

☐ Planning Commission

☐ Cultural Heritage Commission

☐ Site Plan Review Committee

on the 15 day of MAY, 2008

Appellant(s): KERRIE ALEY

Project Address: 5255 PAOLI WAY

Project Description: CASE NO. 0802-01 (LCDP) MARINE STADIUM FENCE

Reasons for Appeal: ATTACHED
SEE ATTACHMENT LETTER
& ATTACHMENTS A, B, C, D, E

Your appellant herein respectfully requests that Your Honorable Body reject the decision and

☐ Approve

☒ Deny

this application.

Appellant(s) Contact Information

	Appellant 1	Appellant 2	Appellant 3
Name:	<u>KERRIE ALEY</u>		
Address:	<u>PO BOX 41217</u>		
City/ZIP:	<u>LONG BEACH, 90803</u>		
Phone:	<u>(562) 212-0461</u>		
Signature:	<u>[Signature]</u>		

(Staff Use Only Below This Line)

Received by: _____ Case No.: _____ Date of Appeal: _____

Materials Required: ☐ Plans ☐ Photographs ☐ Special Materials

Fee: _____ ☐ Fee Paid Date of Appeal Hearing: _____

COASTAL COMMISSION

EXHIBIT # 7
PAGE 7 OF 38

Kerrie Aley

Appeal to:

Zoning Administration May 15 2008

Case No. 0802-01 (LCDP) 5255 Paoli Way

A request to alter the existing chain link fence along Paoli Way adjacent to Marine Stadium by: 1) removing 1,500 linear feet of the existing 6'0" high chain fence from Bayshore Avenue to La Verne Avenue and 2) replacing 1,850 linear feet of the chain link fence between La Verne Avenue and 3rd Street with a similar height fence constructed of decorative wrought iron.

Suggested Action: Approve, subject to Conditions

Reasons for appeal and request to deny this application:

A. Local Coastal Development Permit Findings

The proposed removal of the fence does not conform to Long Beach's certified Local Coastal Program (LCP) for the following reasons. The City's finds that "the Resources Management Plan does not specifically address the fence along the southwest side of Marine Stadium." Does the City believe that the fence is unnecessary to the operation of Marine Stadium? The City's own "Marine Stadium Special Events Policy" states that –"Marine Stadium is defined as the fenced portion of land north of Appian Way, south of Boathouse Land and west of the Cerritos Channel to the park area inside of the fence at the main entrance gate." **The findings ignore the obvious that the fence is there to control traffic, parking, and protect water oriented recreational activities.** Specific sections of the LCP, which are ignored by the City's findings, are:

Local Coastal Program-1980

Page III-R37 "The on-site parking facilities are adequate for most events, except for the circle and drag races of powerboats which also have highly-powered and noisy engines. The parking requirements rise to several thousand more than on four to eight weekends per year. **These excess vehicles are then found parked on streets of nearby residential areas.**"

Page III-R38 4.2 Problems of Resources Management

"The major issues of resources management in Marine Stadium focus on optimum use of the Stadium as a recreational and educational facility, and on the impacts of certain uses of the Stadium (especially those drawing large regional, even out-of-state, crowds of participants and spectators) on the surrounding residential communities."

Page III-R43 4.3 Citizens' Policy Statement A. GENERAL POLICY

"Commercial aquatic events should be permitted, provided adequate controls are enforced to preclude impact on recreational uses and adjacent residential neighborhoods."

The finding that removing the fence "will not affect the use or activities, or access to Marine Stadium and conforms to Resources Management Plan of the Local Coast Plan" is incorrect. On one hand the findings state that there will be no impact and on the other, Number 12 of the terms of approval "The Marine Advisory Commission shall review this action at a public meeting one year after the fence has been removed. The purpose of the review is to determine if any impacts have arisen as result of the fence removal and if so, suggest appropriate mitigation."

The removal of the fence will decrease access to the Marine Stadium for "non-profit" and volunteer organizations because event traffic/parking mitigation can require that the event operators pay for a costly fencing limiting the use of the stadium to only commercial enterprises that can afford to pay. An example of a potential impact would be the SeaFestival Dragon Boat races that now are attracting 2,000 participants and 5,000 spectators. (Reference "The Economic Impact of Sea Festival 2007 on the Long Beach and Regional Economy" Prepared by Lisa M. Grobar, Ph.D. and Joseph P. Magaddino, Ph.D. Prepared for Long Beach Department of Parks, Recreation and Marine and Sea Festival, Inc.). Last year' Dragon Boat festival exceeded the parking capacity of Marine Stadium and overflowed into the adjacent residential neighborhood even with a fence in place. The 2007 Sea Festival's Marine Stadium traffic/parking plan was clearly inadequate to protect residents from negative event impacts.

Section 5.1.12 of the Marine Stadium Special Events Policy states, *"Each event must be accompanied by traffic and parking plan, including estimated vehicles, access times and overflow parking plans."* Exactly how will any event operator prevent traffic/parking intrusion into the nearby suburban residential neighborhoods or handle planned "overflow parking plans" if there is no fence controlling the access points to the event at Marine Stadium?

B. CA Coastal Act Permit Findings

The City's findings that the development conforms to the public access and recreation policies of Chapter 3 sidesteps two entire sections of the Coastal Act which addresses the most obvious impact of the fence's removal, protection of communities and public safety.

Section 30253 Minimization of adverse impacts

(5) Where appropriate, protect special communities and neighborhoods, which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Section 30210 Access; recreational opportunities; posting

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

The City considers the "visual access" of a few nearby homeowners or residents more important than the protection of entire neighborhoods, families, kids, and dogs from event related traffic accidents, property damage, injuries, and parking intrusions.

C. Failure to comply with the CA Public Records Act

(See Attachments A and B)

D. Failure to consider existing traffic conditions and event adverse safety impacts on nearby neighborhoods. (See Attachment C, D and E)

E. City's failure to follow their own Special Event policies on traffic/parking mitigation and community input and support. (See Attachment A and B)

COASTAL COMMISSION

EXHIBIT # 7
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April 11, 2008

Carolyn Bihn,
Zoning Officer
 City of Long Beach
 Long Beach Development Services
 333 W. Ocean Blvd.,
 Long Beach CA 90802

cc. Mayor Foster, City Manager Patrick West, Councilman Gary DeLong
 Director of LB Parks & Recreation Phil Hester, City Attorney Howard Russell

Re: Marine Stadium Fence Removal Case No. 0802-01
 LB Beach Special Events, Marine Stadium Operations

Dear Carolyn Bihn,

I am writing to you about the current City proposal to remove a portion of the Marine Stadium Fence and recent changes to the Marine Stadium operations, both which have not been publically reviewed to determine environmental impacts and mitigation pursuant to the CA Environmental Quality Act (CEQA) and conformance to the CA Coastal Act.

Marine Stadium Fence It is my understanding that the Marine Stadium fence (Case No. 0802-01) Zoning Administrative Hearing has been rescheduled for April 28 2008.

At the end of March Arturo Macias-Pedroza notified me that the public records I requested would be available for review on April 7 2008. At that time, I set up an appointment in writing and then appeared at the City Attorneys office on April 8 2008. During this visit to City Hall Mr. Russell told me that none of the documents that I had requested were available and that he could not at this time provide me with an expected date that the materials would be available to me.

The documents I have requested through the California Public Records Act pertain to the City's handling of Special Events in my neighborhood. Given that the Marine Stadium fence for decades has provided a means to control crowds and traffic/parking intrusion into surrounding residential neighborhoods, the "Sea Festival" documents I have requested are necessary for me to respond to the Marine Stadium Fence alteration at the Zoning Administrative Hearing. **I am requesting that this hearing be delayed until I have been given access to the public records I have requested and have adequate time (1 week) to prepare a response for this hearing.**

Because the City's Marine Bureau has itself publically stated that is currently unable to control parking or traffic from Marine Stadium events, **I would also like to request that formal notification of this hearing be expanded to all residential homes impacted by event traffic and parking.**

Marine Stadium Operations

In 1976 and 1982 two separate Environmental Impact Reports were prepared which addressed special events at Marine Stadium. The City's outreach involved a large number of community members who provided extensive input on the two EIRs.

In the 1982 an EIR was prepared and certified by the Long Beach City Planning Commission concerning changes in Marine Stadium operating procedure;

The noise limit increased from 85 dba to 95 dba, noise monitoring, race run direction, and policy changes to require no walk on traffic, no on-site ticket sales, on-site parking restricted to available spaces, monitoring off-site, controlled parking and bussing to the stadium.

COASTAL COMMISSION

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April 9, 2008

Page 2

In the past few years, the City has had and plans this year to hold special events this year whose attendance clearly overwhelms the stadium's facilities and negatively impacts adjacent residential neighborhoods. Rather than requiring shuttle buses, the Marine Bureau has proposed this year that Will Rogers Elementary school grounds be used as overflow parking for stadium events. As these Marine Stadium events are growing in number and size, the existing neighborhood traffic safety and parking problems will also worsen.

Last year the Marine Bureau and the Marine Advisory Commission approved increases in allowable Sea Festival noise from 95 dbs to 120 dbs without CEQA review. A 10 db increase in noise limits results in a doubling of the sound levels affecting residential homes and increases the impact radius. Since 1976, the City has quadrupled the allowable special event boat noise (85 dbs to 115 dbs) intruding on adjacent homes and nearby sensitive natural habitats such as Sims Pond and Colorado Lagoon. The City has also eliminated a noise mitigation measure that prohibited the use of an amplified PA sound system during special events. The increases in allowable sound levels from 85 dbs to 95 dbs to 115 dbs to 120 dbs has changed the equivalent Marine Stadium boat noise impact to residents from a Heavy Truck to a Subway Train to a Rock Concert to a Jet Taking Off.

The City's past position for over 30 years as referenced in the above EIRs had been that the close proximity of residential homes and inadequate parking facilities/limited arterial roadway access constitutes incompatible land use and identified significant affects on the environment that required mitigation measures.

I do not see how the City can unwind its previous conclusions; (a) That changes in special events operation at Marine Stadium require CEQA review, (b) That noise, traffic, and parking are significant environmental impacts, and then eliminate mitigation measures previously promised to residents. Perhaps the City should take a closer look at CEQA Article 19, Categorical Exemptions 15323, Normal Operation of Facilities for Public Gatherings, Discussion Lewis v. 17th District Agricultural Ass'n (1985) 165 Cal. App 3d 823.

Large special events at Marine Stadium, 2nd Street, and Belmont Pier events are now drawing tens of thousands of people to an already severely traffic and parking impacted area. The cumulative impact of these unmitigated special events is significantly impacting resident's safety and quality of life.

An NOP and CEQA/Coastal Act review should be required for the proposed Marine Stadium fence alteration.

A CEQA review should be required for the recent changes in Marine Stadium operating procedures.

Please allow to residents to review traffic and parking plans and obtain meaningful mitigation measures for all special events affecting their neighborhood.

Thank you for your time and consideration of this matter.
Sincerely,

Kerrie Aley
PO Box 41217
Long Beach, CA 90803
(562)212-0461

COASTAL COMMISSION

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May 15, 2008

Greg Carpenter/Lynette Ferenczy
Department of Development Services
City of Long Beach
Long Beach Development Services
333 W. Ocean Blvd.,
Long Beach CA 90802

cc. City Attorney Howard Russell

Re: Marine Stadium Fence Removal Case No. 0802-01 Public Hearing May 15, 2008
LB Beach Special Events, Marine Stadium Operations

The Local Coastal Development Permit for the Marine Stadium Fence Removal Case No. 0802-01 should not be approved for the following reasons:

Noncompliance with the California Public Records Act

The City has promised me access to public documents related to the handling of special events at Marine Stadium. I have been notified twice that the documents were available for review, on April 8 (See attached letter) and May 9 2008.

On April 8, I appeared at an appointed date and time at the City Attorney's office and was told that none of the documents were available for review. A few weeks later, I was again contacted by the City Attorney's office and told that the documents were now available. I made an appointment with the Special Events office for May 9 and but again was told that the documents were not available for review.

On Monday May 12 2008, I emailed both Greg Carpenter and Lynette Ferenczy and requested a copy of the staff report/recommendations and conditions of approval for the Marine Stadium Fence Removal. I also requested a delay in the hearing until I was given access to the public records. I was told that I would get access to the planning documents as soon as they were approved. I also left a phone message for Lynette Ferenczy on the morning on hearing asking for the documents. As of this date immediately prior to this hearing I have not seen either document or the public records.

Traffic & Parking

Traffic & Parking at Marine Stadium have been identified in two prior EIRs as significant environmental impacts, yet the City has not allowed the public to review past and planned event traffic and parking plans. Nor have I been given the opportunity to see what the staff report or conditions of approval are for the removal of this fence so that I can prepare for this meeting.

Given the lack of documents I am unable to second guess the conditions of approval or review traffic and parking plans for this venue. This severely limits my ability to provide informed opinions as to the City's disposition of this issue.

The City itself has publically stated that is unable to control parking or traffic from Marine Stadium events- with the fence currently in place.

I have no understanding and cannot obtain any information from the City as to how they plan on preventing event attendees from overrunning my residential neighborhood with traffic and overflow parking- with the fence removed.

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May 15, 2008

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The Long Beach Special Events Application requires that event organizations, including those at Marine Stadium do the following:

Parking and Shuttle Plan

It is important that you plan for the safe arrival and departure of event attendees, participants, and vendors. A parking plan is needed if 75 or more people will be at the event or if the parking for the event will have an impact on residents and/or businesses. As an event organizer, you should develop a parking and/or shuttle plan that are suitable for the environment in which your event will take place, remembering that parking, traffic congestion and environmental pollution are all factors of concern during an event. You should include the use of carpools, public transportation and alternate modes of non-polluting transportation whenever possible. You must always include accessible parking and/or access in your event plans. It is noted that the use of neighborhood streets for parking is not a sufficient way to plan for the arrival and departure of participants, vendors, and the public.

Mitigation of Impact

As an event organizer, you are required to develop mitigating measures to accommodate the negative impact your event may have on entities that may be affected by your activities. Most neighborhoods and business districts are represented by a number of community groups that are officially recognized by the City of Long Beach. These groups include community groups, town councils, business improvement districts, and recreation councils. If your event venue is in an area that is governed by one or more of these groups, you must present your event concept to these organizations for their support or endorsement. You must also meet with residents, businesses, places of worship and schools that may be impacted by the noise and street closures related to your event.

Large special events at Marine Stadium, 2nd Street, and Belmont Pier events are now drawing tens of thousands of people to an already severely traffic and parking impacted area. The cumulative impact of these unmitigated special events is significantly impacting resident's safety and quality of life.

The Marine Bureau this year has proposed to use Will Roger's Middle School grounds as overflow for large events, which exceed the Marine Stadium's onsite parking. This school is surrounded by suburban single family homes with local residential streets as access. In the past, the event operators have not met with all affected community groups/impacted residents nor mitigated the traffic and parking impact of past events.

The California Public Records Act states:

Section 6253. (a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided ...

Section 6256.2. Nothing in this chapter shall be construed to permit an agency to delay access for purposes of inspecting public records ...

While I have made numerous good faith attempts to obtain public documents, the City still will not comply with the CA Public Records Act.

Another issue that must be raised is that in order for someone to "*challenge this action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or issues raised via written correspondence delivered to the (public entity conducting the hearing) at or prior to the public hearing.*" Because neither the Staff Report/Recommendation or Conditions of Approval were available to the public prior to the hearing, there is no way a person (who is unable to attend the hearing) could provide prior written testimony on what is being approved "subject to Conditions".

For the above reasons I request that the Coastal Development Permit for the Maine Stadium Fence Removal be denied.

Thank you for your time and consideration of this matter.
Sincerely,

Kerrie Aley
PO Box 41217
Long Beach, CA 90803
(562)212-0461

COASTAL COMMISSION

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February 21 2008

Tom Huff

Principal Will Rogers Elementary School
365 Monrovia Ave
Long Beach, CA

Copies: Mark Sandoval Manager LB Marine Bureau, Dave Ashman Manager LB Special Events,
Councilman Delong

Dear Principal Huff

I am a long-time resident of Long Beach, and I am writing to express my concern about the negative traffic and parking impact of Marine Stadium and other special events on my residential street Park Avenue and Belmont Heights. I am writing this letter to you because of Mark Sandoval's (Manager of Marine Bureau) recent proposal to use Will Rogers Elementary School as overflow parking for large-scale Marine Stadium events. According to the event promoters, the Sea Festival Event Circle Boats races attract 25,000 and the Dragon Boats Festival 10,000 people.

The venue has limited parking, single arterial roadway access, and nearby suburban homes making Marine Stadium ill suited for improperly planned large-scale events. The primary concern of all involved should be mitigating the negative impact of event traffic and parking on nearby residents.

The City's own policies require that a parking and shuttle plan be in place and that public meetings be held. This procedure is not being followed.

The Long Beach Special Events Application requires that event organizations do the following:

Parking and Shuttle Plan

It is important that you plan for the safe arrival and departure of event attendees, participants, and vendors. A parking plan is needed if 75 or more people will be at the event or if the parking for the event will have an impact on residents and/or businesses. As an event organizer you should develop a parking and/or shuttle plan that is suitable for the environment in which your event will take place, remembering that parking, traffic congestion and environmental pollution are all factors of concern during an event. You should include the use of carpools, public transportation and alternate modes of non-polluting transportation whenever possible. You must always include accessible parking and/or access in your event plans. It is noted that the use of neighborhood streets for parking is not a sufficient way to plan for the arrival and departure of participants, vendors, and the public.

Mitigation of Impact

As an event organizer, you are required to develop mitigating measures to accommodate the negative impact your event may have on entities that may be affected by your activities. Most neighborhoods and business districts are represented by a number of community groups that are officially recognized by the City of Long Beach. These groups include community groups, town councils, business improvement districts, and recreation councils. If your event venue is in an area that is governed by one or more of these groups, you must present your event concept to these organizations for their support or endorsement. You must also meet with residents, businesses, places of worship and schools that may be impacted by the noise and street closures related to your event.

The Belmont Heights Community Association Board (BHCA) and the Park Avenue Residents have authorized me to represent them in setting up coordination and begin discussions with event operators as required by the City's Special Event Application.

In the last few years, the City of Long Beach has aggressively encouraged a large number of special events drawing regional crowds who drive and park in our residential neighborhoods. I have attached a *table showing the location/dates of Long Beach Special events that affect Park Avenue and Belmont Heights*. Last December I met with Dave Ashman manager LB Special Events to make him aware of resident's concerns about traffic and parking. Mr. Ashman was very helpful and made a special effort to educate me as to the City's Special Events policy and planning procedures.

COASTAL COMMISSION

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Principal Huff
February 21, 2008
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I have attached a copy of a 2006 letter to Dave Roseman LB Traffic (summarizing the speeding, high accident and injury rates on Park Avenue) and a 2007 Park Avenue Neighborhood Traffic Survey (showing the high level of concern about both resident and pedestrian safety in our neighborhood.)

With Councilman Gary DeLong's support, the City Council this January approved a reduction in the speed limit on Park Avenue to 25 mph from 30 mph. In January, Long Beach Traffic installed crosswalks on the "safe walk school routes", pedestrian warning signs, 25 mph speed limit signs, intersection-warning signs, slow and 25 mph messages on the pavement.

While these traffic-calming measures have helped, the daily traffic volumes and speeds on Park Avenue (13,000 per day between 7th and 4th and 7,500 per day between Livingston and 4th) make it extremely difficult for residents to safely back out of their driveways or walk across their streets. Increases in weekend 2nd Street Business and Special Events traffic have negatively affected our quality of life and safety.

In October of 2007 we had another serious accident at Park/Vista involving 3 pedestrians (1 was hit) and 3 cars (1 was hit and 1 landed on my neighbor's front yard.)

In the last few days, there have been 3 accidents on Park between 6th and 7th street. The City has told us they do not have the funds right now to install the other traffic calming devices that residents have requested. I am sure that you are aware of the local problems with speeding and traffic volume near your school on Broadway, Appian, and Nieto. Adding additional event traffic into our neighborhood will only worsen an existing traffic problem that we residents are working hard to correct.

Before Will Rogers Elementary School approves any event parking at their facility, please insist that the City follow their own policies and procedures; that the public have input into the traffic and parking plan and that our safety and quality of life are protected.

Regards,

Kerrie Aley

kerriealey@verizon.net

(562)212-0461

COASTAL COMMISSION

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10/26/06

Gary DeLong
Long Beach City Council District 3
340 Nieto Avenue
Long Beach, California 90814

Copy: Christine F. Anderson-Director Public Works
Dave Roseman-Traffic Engineering

Re: Park Avenue Traffic Accidents

The purpose of this letter is to make you aware of the dangerous traffic conditions that currently exist on Park Avenue. I am requesting that Park Avenue's speed limit be reduced to 25 mph and that the street traffic control be changed to improve the safety of our residential neighborhood.

The following is a summary of an analysis of accident and injury rates on Park Avenue between 7th street to Livingston. The analysis is split into two sections Park (7th to 4th) and Park (4th to Livingston) because of the higher traffic volumes on Park north of 4th.

A description of how I derived these figures has been attached to this letter.

A. Park Avenue Accident Rate is 250% to 320% higher than Expected State Average

- The 2003 Long Beach Traffic survey set the speed limit at 30 mph based on the "roadside characteristics". Actual vehicle speeds are **34 mph (50thile), 38 mph (85thile) to 50 mph.**
- The 2003 Traffic survey shows an actual accident rate of 6.21 accidents per million vehicle mile (MVM) which is **200%** higher than the statewide expected accident rate of 3.05 MVM. The accident rate using a 10 year average of accidents is 7.8 MVM (Park between 4th & Livingston) more than **250%** higher than the statewide expected accident rate of 3.05 MVM. On Park between 7th and 5th the accident rate using a 10 year average is 6.0 MVM or 320% higher than the expected rate.

B. The severity of accidents on Park Avenue is unacceptable for a residential street.

- **32%** of accidents involve injuries. The injury rate per M VMT accident is **375%** (7th-5th St) to **163%** (4th-Livingston) higher than the California expected motor vehicle injury rate of 92.1 MTM (this includes all CA roads including highways and arterial streets).
- **25%** of accidents involve residential parked cars.
- **6.5%** of accidents involve "fixed objects" other than cars.
- **5%** of accidents involve pedestrians or bicyclists.
- **70%** of all accidents were so severe that the vehicles require towing.
- **25%** of accidents were caused by trucks weighing over 3 tons (Includes pick-up/panel trucks, pick-up/panel trucks with trailers, semi-tractor trailers). Park Avenue has a problem with large trucks and 10-14 ton semi-trailers cutting through to 2nd Street.
- Vehicles involved in accidents are regularly leaving the roadway and landing on sidewalks and residential front yards due to the narrowness of Park Avenue.

COASTAL COMMISSION

C. Park Avenue's accidents are caused by roadway conditions not readily apparent to drivers.

Detrimental roadway conditions specific to Park Avenue are:

- Intermittent driveways where line of sight is blocked by roadside parking.
- Inadequate intersection line of sight at Park @ Vista. (steep grade at hill and corner view)
- Inadequate and irregular traffic gap spacing for vehicles and pedestrians entering Park Avenue.
- Large variations in vehicle speeds caused by
 - a) Higher vehicle speeds caused by bundling from traffic control lights at 7th, 4th and Livingston
 - b) Slower vehicles entering Park from driveways, roadside parking and cross streets.
 - c) Conflicts caused by pedestrian, bicyclists, and driveways and roadside parked cars.
 - d) Excessive vehicle speed from cross town cut through traffic from 7th, downtown Ocean Avenue and 2nd street avoiding arterial road congestion.
- Misaligned intersections at Park @7th street and @4th and street narrow width reduce the margin of error for turning and collision avoidance.

D. Requested Park Avenue Traffic Control Changes

- **Reduce speed limit to 25 mph.**

(Park Avenue is already zoned for 25 mph between Anaheim and 7th and Livingston and Ocean. Neighboring streets such as 2nd street, Livingston, Broadway and Xiemenon are also zoned at 25 mph.)

- **Install a Radar 25 mph speed sign southbound on Park near 7th.**
- **Re-evaluate location of fixed speed limit signs.**
- **Install "No Trucks" sign on Park @4th, "No Trucks" on 7th street visible to vehicles turning left and right onto Park Avenue.**
- **Install "Pedestrian Crossing" signs on Park at 7th, Vista, and Livingston.**
- **Install "Uncontrolled Intersection" signs on Park at Vista, Shaw, 5th, and 6th streets.**
- **Paint "No Passing" line on hill near Vista.**
- **Improve median at Park & 7th to eliminate U turns out of Starbucks.**
- **Improve signal coordination between lights at 7th and 4th to reduce speeding between lights.**
- **Improve traffic flow on arterial streets to reduce cut through traffic on Park Avenue.**
- **Scheduled Police enforcement of Park Avenue until speed on Park is reduced and accident rate drops.**

COASTAL COMMISSION

Just last week Park Avenue had two accidents at 6th street in two days. Both accidents resulted in vehicles leaving the roadway and crossing over onto sidewalks. (See attached photos). I can provide many other anecdotal stories of vehicles colliding onto Park Avenue resident's property. A few years ago a neighbor's college age daughter and friend were nearly pinned to the garage door when a vehicle left the road and slammed into their car pushing it forward on their driveway. Another neighbor had his car sideswiped twice one year. At the corner of Park & Vista one neighbor has had his fence hit four times by vehicles colliding. There is an elderly woman near Park & 6th who was recently hit backing out of her driveway and is now terrified to leave her property.

The Long Beach's Traffic Engineering department has been aware of the accident rates and our concerns for years but no changes have been made to Park Avenue. I hope that this historical accident information will provide adequate motivation for the City to make the necessary traffic control changes on Park Avenue.

The reduction of the speed limit to 25 mph on Park Avenue will require a traffic study and approval by the City Council to change the Municipal Code. I have not distributed Park Avenue's accident statistics to the entire neighborhood. I would rather work with the City to quickly resolve the traffic safety problem on Park Avenue.

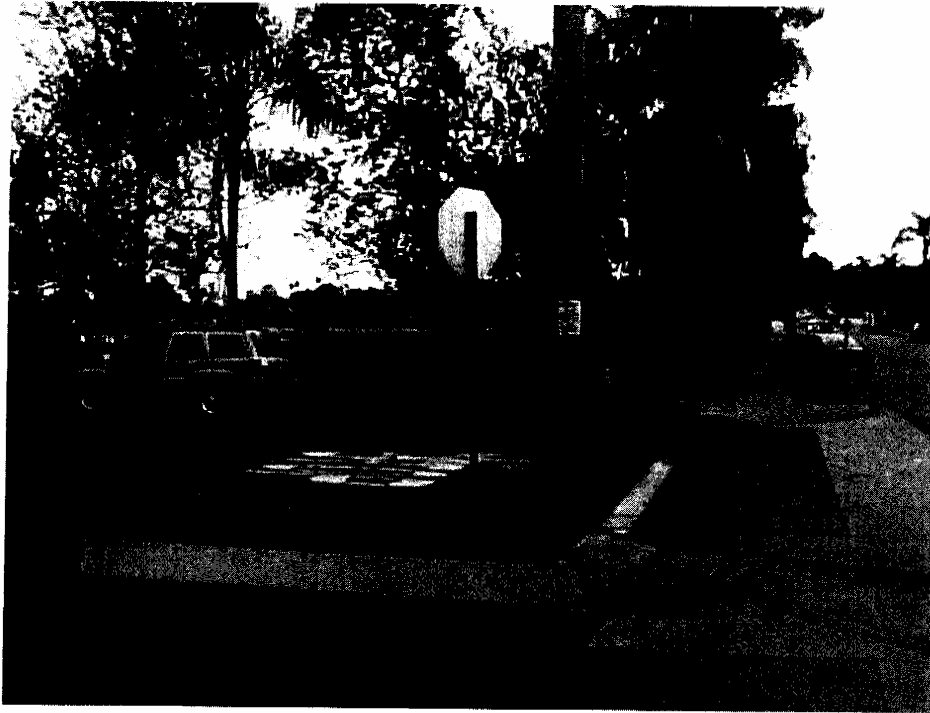
If necessary I will organize a Park Avenue residents meeting, draft a petition, and bring this issue to the City Council. Please advise me within two weeks as to what course of action the City would like to take regarding this letter.

Thank you for your time and consideration in this matter.

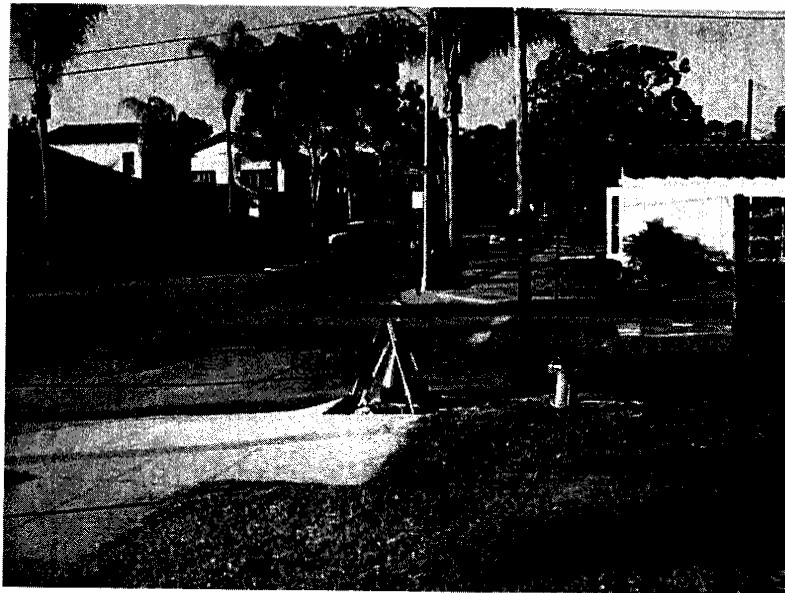
Regards,

Kerrie Aley
279 Park Avenue
Long Beach, CA 90803
(562)212-0461

COASTAL COMMISSION



10-16-06 Accident Park@6th. Note that both vehicles entered the sidewalk.



10-17-06 Accident Park@6th. Vehicle left road and destroyed fire hydrant.

COASTAL COMMISSION

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Information Used for the Park Avenue Accident Analysis

1. LB Park Avenue Traffic Survey (4th and Livingston) 2003

Actual Accident Rate 6.21 per MVM, Expected Accident Rate 3.05 per MVM/2001

I was unable to obtain the LB Park Avenue Traffic Survey (7th and 4th) from the City Attorney so I used 3.05 per MVM/2001.

2. California Expected Injury Rate-

Used CHP 2004 rate of 92.10 persons injured for every 100 million vehicle miles of travel.

3. California Highway Patrol SWITRS Collision database Park Avenue (1995 to 2006)

I did not use the partial year 2006. I omitted all accidents at 7th/Park where the accident direction was either East or West. The average actual accident rate was calculated using years 1995 to 2005.

Note that the 2003 Traffic Study used accidents from the years 2000, 2001, 2002.

For some reason 2000 had 50% less accidents than the 10 year average and 60% less than the peak year.

The injuries, the collision objects, and vehicle types were calculated using 1995 to 2005 data.

The CHP SWITRS report is attached.

Total accidents on Park (1995-2005)= 189- 9(accidents in year 2006) -42(accidents at 7th & Park in East West direction)= 138

Accidents (7th to 4th)= 26 (accidents at 7th and Park in North South direction) + 34 (7th to 4th)= 60

Accidents (4th to Livingston)=78

4. Vehicle miles MVM

I calculated the expected accident rate per million mile traveled by using the following Map Quest distances.

Distance Park (4th to Livingston) is .61 miles.

Distance Park (7th to 5th) 100% of the accidents occurred between Park (7th to 5th) so I used .14 mile

Distance Park (7th to 4th) .25 miles

5. Traffic Volumes

I was unable to obtain traffic volumes from the City Attorney so I used estimated values of 12,000 vehicle per day Park (7th to 4th) and 7,000 per day Park (4th to Livingston).

This number was estimated by using traffic volumes contained in a neighbors copy of a draft 1995 Belmont Heights traffic study and compared with a recent City EIR.

COASTAL COMMISSION

Traffic Calming Meeting (11/8/07) Agenda

- I. Introductions
- II. Goal- *"Improve the traffic safety and the quality of life on Park Avenue and our entire neighborhood."*
- III. Status of current Traffic Calming Efforts
 - A. City of Long Beach Public Works-2006 Park Avenue Traffic Safety Enhancements
 - B. Park/Vista Pedestrian Crosswalk Survey and Citizen's Petition
 - C. Education/Enforcement
 - D. Tot Lot
 - E. Starbucks Center
 - F. Cut-Through Trucks
- IV. Neighborhood Traffic Survey Results
- V. Park Avenue Traffic Problems
 - A. Park Avenue Speed Profile
 - B. Park Avenue Accident Clusters
- VI. Proposed Park Avenue Traffic Calming
 - A. Traffic Calming A Priority
 - B. Proposed Street Traffic Control Improvements
- VII. Special Events Coordination
- VIII. City Growth-SEADIP, General Plan Update, Mobility Update
- IX. Summary/Public Comment

Park Avenue
Residents

Contacts:

Councilman Gary DeLong	email 3rdDistrict@longbeach.gov	(562) 570-8756	Belmont Heights Community Association	www.mybelmonthheights.org
	www.ci.long-beach.ca.us/district3/		Belmont Shores Residents Association	www.shoresresidents.org
LB Traffic	www.ci.long-beach.ca.us/pw/traffic/	(562) 570-6383	Alamitos Heights Community Association	www.ahia.info/
Dave Roseman	City Traffic Engineer		Kerrie Aley	email kerriealey@verizon.net (562)212-0461 (Park Avenue)
Abdollah Ansari	Manager Traffic/Transportation Bureau		Steve Creech	email speedshoplb@yahoo.com (Park Avenue)
LB Advance Planning	www.ci.long-beach.ca.us/plan/pb			
Mark Hungerford	Community Planner (562) 570-6439			

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III. A. LB Public Works- 2006 Park Avenue Traffic Safety Enhancements

AREA	IMPROVEMENT/ENHANCEMENT	SCHEDULE /STATUS	BUDGETED
PARK AVENUE BETWEEN 7th STREET & LIVINGSTON DRIVE			
Park Ave	Traffic study for speed limit reduction.	Summer of 2007	Yes
Park Ave	Install new speed signs.	Existing 30mph speed signage is adequate for enforcement. Should the speed limit be reduced as per the pending study new speed limit signs would be installed.	NA
Park Ave	Restripe centerline & install reflective raised pavement markers	Work Order Issued /	Yes
Park Ave	Repaint faded red zones	Anticipated Completion 12/31/2006	Yes
7 th Street	Median-paint extension & double lines	Work Order Issued /	Yes
7 th Street	Install one-way sign near "Starbucks" driveway	Anticipated Completion 12/31/2006	Yes
7 th Street	Repaint yellow median nose and replace damaged marker	Work Order Issued /Anticipated Completion 12/31/2006	Yes
7 th Street	Extend red zone near 665 Park	Work Order Issued /Anticipated Completion 12/31/2006	Yes
7 th Street	Install radar speed signs.	Park Avenue is an excellent candidate for radar speed signs both in the southbound and northbound directions. The City Traffic Engineer is supportive of the deployment of such devices on Park Avenue / no further study required.	No
6 th Street	Add north & southbound "uncontrolled intersection" signs.	Staff is exploring funding options	Yes
6 th Street	Extend red zones on the southeast corner.		
4 th Street	Install a "No Truck" sign	PARK AVENUE & 6th STREET Work Order Issued /Anticipated Completion 12/31/2006	Yes
3 rd Street	Replace Street Name Signs	PARK AVENUE & 4th STREET Under investigation	Yes
3 rd Street	Install missing red zone on northeast corner	PARK AVENUE & 3rd STREET Work Order Issued /Anticipated Completion 6/31/2007	Yes
Vista	Traffic safety analysis for possible installation of a pedestrian crosswalk or other traffic control measures.	PARK AVENUE & VISTA STREET Awaiting pedestrian count data / Anticipated decision on this matter in early Winter of 2007	Yes
Vista	Replace Street Name Signs	Work Order Issued /Anticipated Completion 6/31/2007	Yes
Vista	Paint crosswalk/install pedestrian signs (Contingent on study)	None	NA
Broadway	Paint pavement "25 mph Slow"	PARK AVENUE & BROADWAY	NA
Broadway	Contingent on speed reduction to 25 mph	None	NA
Broadway	Replace Street Name Signs	Work Order Issued /Anticipated Completion 6/31/2007	Yes
Shaw	Replace Street Name Signs	PARK AVENUE & SHAW STREET	Yes
Shaw	Replace Stop Signs	Work Order Issued /Anticipated Completion 6/31/2007	Yes
		Work Order Issued /Anticipated Completion 12/31/2006	Yes

COASTAL COMMISSION

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III. B. Park/Vista Pedestrian Survey and Citizen's Petition

- On December 2 2006 residents counted **587 pedestrians** crossing at the intersection of Park/Vista between 3:00-6:00 pm prior to the Belmont Shore Xmas Parade. No Police traffic control or support was provided at this unmarked intersection. Residents began acting as crossing guards after a number of pedestrians were nearly hit by cars circling the neighborhood looking for parade parking.
- In 3 hours residents were able to obtain **149** signatures on a Citizen's Petition supporting a crosswalk at Park/Vista and a speed reduction to 25 mph.

III. C. Education- Traffic Safety

- Park Residents are now working with three local groups, Alamitos Heights Improvement Association (Park-7th - 4th) , Belmont Heights Community Association, and the Belmont Shore Resident's Association (Park Livingston-Ocean) to discuss neighborhood traffic issues.
- Park residents wrote letters to Grunion Gazette letters to editor and Spit & Argue club ("Traffic Safety Can Be Fun! ") to raise awareness of neighborhood traffic safety.
- City Council/Planning- Two Park Residents filed appeals opposing Planning Commission approval of Seaport Marina Project at 2nd /PCH (425 condos/170,000 sq. feet of retail). Park residents have met with Councilman DeLong and other Council members to raise awareness of Park Avenue, our neighborhood and South-East City traffic issues. Many more Park residents have attended SEADIP land use plan update meetings.
- Residents have written letters to LB Special Events requesting coordination/input, enforcement and planning for 2nd Street. Marine Stadium, and Citywide events affecting residential neighborhood traffic volumes.

III. C. Enforcement- Long Beach Police

Park Residents have stayed in contact with Long Beach Police to discuss speeding and other traffic issues. Police have stepped up enforcement and brought Radar Speed Trailer to increase awareness about speeding.

III. D- Livingston Park Tot Lot

- Proposal to move Tot Lot and add additional Belmont Shore business parking on playground property and alleys was dropped. Note that this parking lot and alley parking was proposed with no traffic study or adequate resident input.
- Special Thanks to all residents who attended the Lowell Tot Lot meeting and those who have contributed money for the renovation of the Tot Lot.
- Park residents are now attending/monitoring the Belmont Shore Parking Commission meetings.
- Communication is needed between Belmont Shore Business Association, business property owners, and residents north of 2nd street.
- Park resident is working on Tot Lot Committee.
- Community Meeting on Tot Lot playground design will be scheduled the last week of November.
- Fundraising still needed to meet goal of \$150,000. (\$80,000 raised)

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III. E. Current Project- Starbucks Center

Park Avenue residents have met with Starbucks local and regional management to discuss traffic issues at the Starbucks Center. As a result of this meeting Starbucks has agreed to work with Park residents to improve the number of illegal turns, parking and other problems.

A sign similar to the one shown below has been posted on the front counter of the 7th/Park Starbucks. Other issues are center driveway width, employee parking, trash pick-up and litter.

Be Aware.....Be Safe.....Be Courteous

Please help Starbucks contribute positively to our Park Avenue Neighborhood:

Entry

- Please comply with posted traffic signs prohibiting left turns entering our parking lot from Northbound Park Avenue.

Exit

- Please comply with posted traffic signs prohibiting U-turns exiting our parking lot to proceed Northbound on Park Avenue.

Short Term Parking (Green Zone) is available on 7th street for Eastbound customers. Please refrain from temporarily parking in Red Zones or leaving your vehicle blocking sidewalks and driveways on Park Avenue.

Travel at a Safe Speed and watch out for Pedestrians and Cyclists.

Be Considerate of our Neighbors

- Please refrain from parking in or using the private driveways of Park Avenue residents to perform U-turns.
- Avoid unnecessary car alarm and horn noise.
- Please dispose of all trash appropriately in waste bins.

Your cooperation in following these simple guidelines is appreciated!



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Be Aware.....Be Safe.....Be Courteous

The Residents of Park Avenue in collaboration with Starbucks Management

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III. F. Ongoing Project- Cut-Through Trucks

Effort is continuing to limit the number of semi-tractor trailer and other large heavy trucks from using Park Avenue to service 2nd street and downtown businesses.

Status-

Oct. 2007 **Harbor Distributing (Corona Light Semi-Tractor Trailer)**- Ongoing effort to eliminate the problem. Numerous phone calls to Harbor Distributing Operations Manager would temporarily eliminate the problem and the truck would reappear when the driver was changed. Wrote to Harbor Distributing management and asked that the company to change their operating procedures to make sure the problem was finally solved. Received phone call back from Operations Manager stating that the driver was suspended for 3 days and that all drivers were told that "Park Avenue does not exist a possible route for their trucks". Received a follow-up phone call from Vice President of Sales restating Harbor Distribution's commitment to correct the truck cut-through problem.

September 2007 **Papa Johns Pizza**- Recent problem with truck using Park between 7th/4th and turning on Appian/4th to service restaurants. Wrote letter to Papa John's. Received two phone calls from Papa John's Pizza to inform me that the driver was identified and the problem would be corrected.

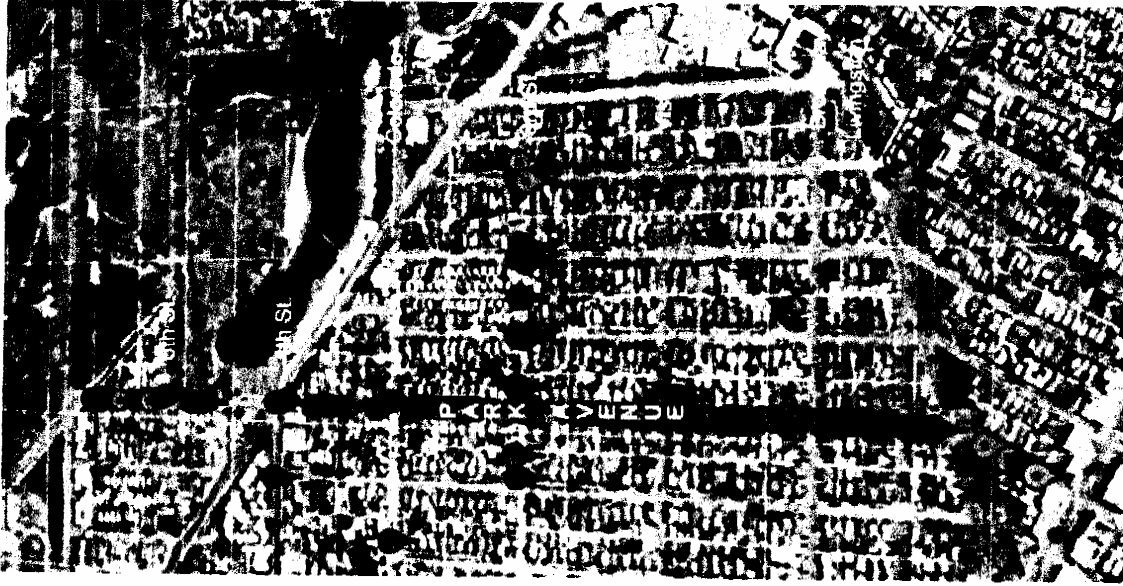
October 2007 Ongoing problem with two Armor Car Companies-**Brinks and SecTran**. Phone calls to Operations Management result in a temporary change in route but after 6-12 months problem re-occur. Have followed up with letters to Brinks and SecTran.



Park Avenue Residents- How you can help to reduce truck cut-through traffic

If you see a non-local delivery truck (i.e. fuel, food service, office service etc., convention service etc.) which is cutting-through our neighborhood write down the following information. (Exclude all trucks delivering to residential homes.)

Name on truck. _____ and/or Company Truck Number _____
CA Truck number _____
and/or CA License Plate Number _____ i.e. Big Box Truck, Semi-Trailer
Approximate Size of Truck _____
Time Seen _____ Location and Direction Traveling (N or S and cross street) _____
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Name of Business Truck is servicing (if available) _____
Email to Kerrie Alely KerrieAlely@verizon.net or call me @ (562)212-0461



IV. Park Avenue Neighborhood Traffic Survey-

Traffic surveys were handed out to residents living on Park Avenue between 7th and 2nd streets. We also canvassed houses located on cross streets adjacent to Park. An interested resident on 3rd street decided to hand out additional surveys on 3rd street east of Park to Nieto. We received a total of 89 completed traffic surveys. The approximate location of each returned survey is shown on the map to the left.

Questions contained in Neighborhood Traffic Survey-

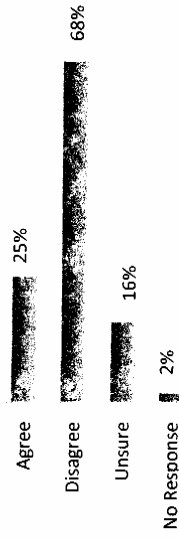
1. Would you agree or disagree with this statement: *There is little my neighbors and I can do to solve traffic problems in our neighborhood.*
☐ Agree ☐ Disagree ☐ Unsure ☐ No response
2. In the past year, how would describe the volume of traffic in your neighborhood?
☐ Increased ☐ Decreased ☐ Same ☐ Don't Know ☐ No response
3. In general, from a traffic safety perspective, would you say your street has become a better place to live in the last few years, a worse place, or is it about the same?
☐ Better ☐ Worse ☐ Same ☐ No response
4. What is your biggest concern regarding safety when driving about in your neighborhood?
☐ Speeding vehicles ☐ Red Light/Stop Sign violators ☐ Drivers who fail to yield
☐ Inattentive Drivers ☐ Traffic Congestion ☐ People taking short-cuts through neighborhood
☐ Ability to park safely ☐ Don't Know ☐ No response
5. What is your biggest concern regarding safety when walking in your neighborhood?
☐ Speeding vehicles ☐ Red Light/Stop Sign violators ☐ Drivers who fail to yield
☐ Inattentive Drivers ☐ Traffic Congestion ☐ People taking short-cuts through neighborhood
☐ Ability to cross the street safely ☐ Don't Know ☐ No response
6. In the past six months how many times have you seen a police officer enforcing traffic laws in your neighborhood?
☐ None ☐ Once ☐ Twice ☐ Numerous Times ☐ Don't Know ☐ No response
7. Based on your observations and experience is there a street or intersection in Belmont Heights that you believe needs additional traffic enforcement?
8. Based on your observations and experience is there a street or intersection in Belmont Heights that you believe needs additional traffic controls (signals, signs, markings, curb zones, etc.)? 9. Of the following traffic control measures which would you consider most effective?
☐ Enforcement (Police Presence & Warnings) ☐ Traffic Controls (Street Redesign)
☐ Education (both Driver and Pedestrian) ☐ Community Monitoring (Traffic Watch)
10. Have you contacted a person or agency regarding traffic safety in your neighborhood?
☐ Yes ☐ No
If so, was any demonstrable action taken to your knowledge? ☐ Yes ☐ No
11. Length of residence in Long Beach: _____ years and on your street: _____ years?
12. Please attach another sheet with any additional written suggestions or comments you might have to this survey.

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IV. Park Avenue Neighborhood Traffic Survey Results

1. I would agree or disagree with this statement: *There is little my neighbors and I can do to solve traffic problems in our neighborhood.*



200 blk Park (35)	14% Agree	83% Disagree	3% Unsure	0% No response
300-600 blk Park (29)	14% Agree	69% Disagree	17% Unsure	0% No response
E-W Park (25)	36% Agree	36% Disagree	24% Unsure	4% No response
Total (89)	24% Agree	68% Disagree	16% Unsure	2% No response

2. In the past year, how would you describe the volume of traffic in you neighborhood?



200 blk Park (35)	65% Increased	0% Decreased	32% Same	0% Don't Know	3% No response
300-600 blk Park (29)	76% Increased	0% Decreased	24% Same	0% Don't Know	0% No response
E-W Park (25)	84% Increased	0% Decreased	16% Same	0% Don't Know	0% No response
Total (89)	67% Increased	0% Decreased	32% Same	0% Don't Know	1% No response

Park Ave. Residents believe that they can improve neighborhood traffic problems.

Fact: Most major Cities have established Traffic Calming Programs which have been shown to be effective in lowering both vehicle speeds & accident rates. These programs make use of 3 traffic engineering principles- *Education, Engineering, and Enforcement.*

Park Ave. Residents perceive that traffic volumes in their neighborhood are increasing

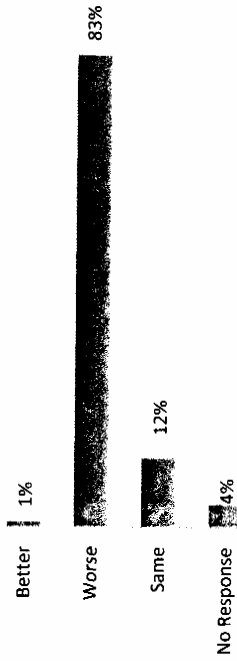
Fact: The number of vehicles on Park between 7th & 4th has increased 17% in 6 years (1995-2001). 2nd Street special events have increased greatly in size and frequency with current attendance at 60,000 (car show), 70,000 (Christmas Parade), Stroll and Savor (5,000) and new events such as the Halloween Dog Show, Circle Boat Races, and Dragon Boats impacting our residential streets.

Further everyday congestion on arterial roads will encourage even more traffic to use residential streets if no engineered measures are taken to protect neighborhoods.

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IV. Park Avenue Neighborhood Traffic Survey Results

3. In general, from a traffic safety perspective, would you say your street has become a better place to live in the last few years, a worse place, or is it about the same?



Length of residency on Park Avenue

200 blk Park	20 years
300-600 blk Park	15 years
E-W Park	12 years
Average	16 years

Vehicle speeds on Park Avenue and neighboring residential streets have been increasing with an 85th % speed on Park of 38 mph. During the same time speeds on 2nd street have been lowered with street redesign/signals on 2nd street resulting in an 85th percentile vehicle speed of 26 mph.

With volumes and speeds increasing the number and severity of accidents have reached a point where Park's accident rates is 2 to 4 times the expected state accident rate. Vehicle volumes and speeds are impacting resident's ability to safely access their properties and pedestrian comfort in walking in our neighborhood. High volume/speed traffic increases the frequency of roadside accidents and injuries to nearby residents.

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IV. Park Avenue NeighborhoodTraffic Survey Results

4. What is your biggest concern regarding safety when driving about in your neighborhood?

200 blk Park	31 Speeding vehicles 7 People taking short-cuts through neighborhood	12 Red Light/Stop Sign violators 10 Ability to park safely	14 Drivers who fail to yield 0 Don't Know	9 Inattentive Drivers 0 No response	9 Traffic Congestion
300-600 blk Park	23Speeding vehicles 7People taking short-cuts through neighborhood	11 Red Light/Stop Sign violators 10 Ability to park safely	13 Drivers who fail to yield 0 Don't Know	13 Inattentive Drivers 0 No response	11 Traffic Congestion
E-W Park	31 Speeding vehicles 7 People taking short-cuts through neighborhood	12 Red Light/Stop Sign violators 11 Ability to park safely	14 Drivers who fail to yield 0 Don't Know	9 Inattentive Drivers 0 No response	9 Traffic Congestion
Total	85 Speeding vehicles 21 People taking short-cuts through neighborhood	35 Red Light/Stop Sign violators 31 Ability to park safely	31 Drivers who fail to yield 0 Don't Know	31 Inattentive Drivers 0 No response	29 Traffic Congestion

Note- Residents selected more than 1 issue.

Driver safety traffic survey concerns .

1. Speeding vehicles
2. Red Light/Stop Sign Violators
3. Drivers who fail to yield.
4. Inattentive Drivers
5. Ability to park safely
6. Traffic Congestion
7. People taking shortcuts through neighborhood.

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IV. Park Avenue Neighborhood Traffic Survey Results

5. What is your biggest concern regarding safety when walking in your neighborhood?

200 blk Park	23 Speeding vehicles	12 Red Light/Stop Sign violators	9 Drivers who fail to yield	11 Inattentive Drivers	4 Traffic Congestion
	4 People taking short-cuts through neighborhood	13 Ability to park safely	0 Don't Know	1 No response	
300-600 blk Park	19 Speeding vehicles	6 Red Light/Stop Sign violators	9 Drivers who fail to yield	8 Inattentive Drivers	7 Traffic Congestion
	3 People taking short-cuts through neighborhood	9 Ability to park safely	0 Don't Know	2 No response	
E-W Park	18 Speeding vehicles	8 Red Light/Stop Sign violators	7 Drivers who fail to yield	7 Inattentive Drivers	3 Traffic Congestion
	5 People taking short-cuts through neighborhood	9 Ability to park safely	0 Don't Know	0 No response	
Total	60 Speeding vehicles	26 Red Light/Stop Sign violators	25 Drivers who fail to yield	26 Inattentive Drivers	14 Traffic Congestion
	11 People taking short-cuts through neighborhood	31 Ability to park safely	0 Don't Know	0 No response	

Note- Residents selected more than 1 issue.

Pedestrian safety traffic survey concerns

1. Speeding vehicles
2. Ability to park safely
3. Red Light/Stop Sign Violators
4. Inattentive Drivers
5. Drivers who fail to yield.
6. Traffic Congestion
7. People taking shortcuts through neighborhood.

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IV. Park Avenue Neighborhood Traffic Survey Results

6. In the past six months how many times have you seen a police officer enforcing traffic laws in your neighborhood?

200 blk Park	19 None	4 Once	6 Twice	4 Numerous Times	1 Don't Know	0 No response
300-600 blk Park	14 None	4 Once	6 Twice	4 Numerous Times	0 Don't Know	1 No response
E-W Park	21 None	2 Once	1 Twice	1 Numerous Times	0 Don't Know	0 No response
Total	54 None	10 Once	7 Twice	8 Numerous Times	1 Don't Know	1 No response

7. Based on your observations and experience is there a street or intersection in Belmont Heights that you believe needs additional traffic enforcement?

200 blk Park-	Park (1), Park/Vista (8), Livingston/Toledo (2), Park/7 th (1), Park/Shaw (4), Park/Broadway(9), Park/Livingston(3)
300-600 blk Park	Park/3rd (1), 7 th /Termino (1), 7 th /Park (5), Park/Colorado (4), Park/6 th (5), Park/3 rd (1), Park/4 th (1), Park/Anaheim (1)
E-W Park	Park/Vista (3), Nieto-Termino (1), 3 rd /Park (1), Vista (1), 3 rd (1), 3 rd /Argonne (2), Park/Broadway (1), 6 th /Park (1), Livingston/Argonne (1), Park/Colorado (1), 3 rd (Park-Nieto) (1), 3 rd /St Joseph (1)

8. Based on your observations and experience is there a street or intersection in Belmont Heights that you believe needs additional traffic controls (signals, signs, markings, curb zones, etc.)?

200 blk Park-	Xiemenos/Vista (1), Park/Vista (18), Park/Shaw (3), Park/Broadway (1), Park/3 rd (13)
300-600 blk Park	Park/ Vista (2), Xiemenos/3 rd (1), 7 th /Park (1), Park/6 th (2), Park/3 rd (1), Xiemenos/Broadway (1), Park/3rd (1), Vista/Xiemenos
E-W Park	Park/Vista (3), 3 rd (Nieto-Termino) (1), 3 rd /Park (1), Vista (1), 3 rd (1), 3 rd /Argonne (2), Park/Broadway (1), 6 th /Park (1)
Livingston/Argonne(1)	Park/Colorado, 3 rd (Park-Nieto), 3 rd /St Joseph,

9. Of the following traffic control measures which would you consider most effective?

200 blk Park	6 Enforcement	19 Traffic Controls	2 Education	2 Community Monitoring
300-600 blk Park	16 Enforcement	19 Traffic Controls	1 Education	1 Community Monitoring
E-W Park	14 Enforcement	11 Traffic Controls	0 Education	0 Community Monitoring
Total	36 Enforcement	49 Traffic Controls	3 Education	3 Community Monitoring

10. Have you contacted a person or agency regarding traffic safety in your neighborhood?

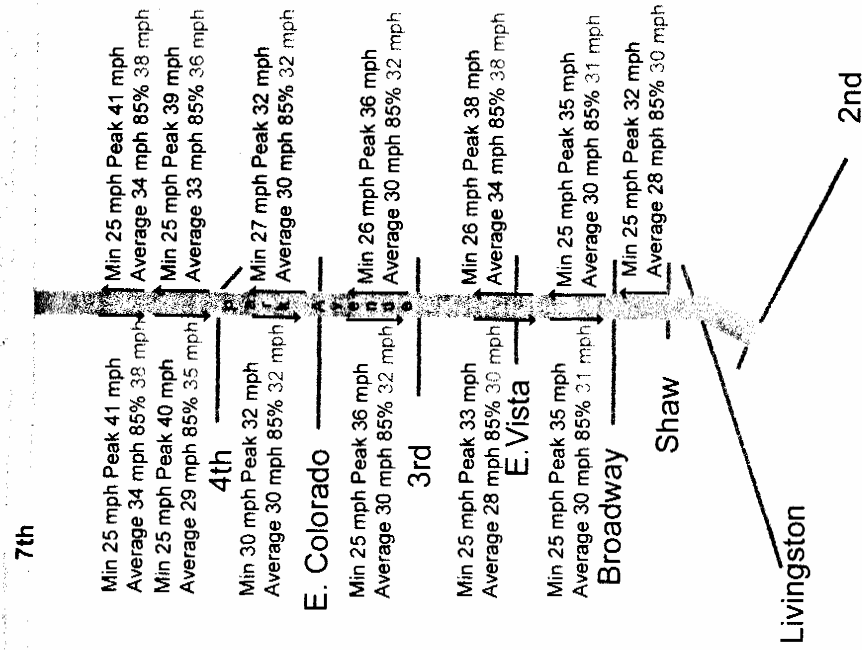
200 blk Park	17 Yes	20 No	Action Taken	3 Yes	14 No
300-600 blk Park	8 Yes	20 No	Action Taken	3 Yes	5 No
E-W Park	6 Yes	7 No	Action taken	2 Yes	13 No
Total	31 Yes	47No	Action Take	7 Yes	22 No

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V. Park Avenue Speed Profile



On Saturday morning September 8 2007 Park residents measured vehicle speeds at various places on Park Avenue to develop a speed profile of our residential street. The locations chosen were midsections between stop lights/signs so that free flow speeds were measured.

Speeding was evident throughout Park Avenue.

The segments with the highest speed were between 4th and 7th and between 3rd and Broadway

Park Avenue's peak speeds were measured at the intersection of Park and Vista (38 mph). The City's Traffic Surveys have measured speeds as high as 55 mph at this intersection.

Frequent rolling stops were seen at Park/Colorado and Park/3rd. Excessive vehicle accelerations were observed at 7th onto Park, at Park/4th, near Park/Vista, and on the grade between Vista and Broadway. Slower cross traffic vehicles are forced to abruptly accelerate to enter mainstream traffic speed.

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V. Park Avenue Accident Clusters

189 Park Avenue accidents were reported to LB Police between 1995 and 2005. The State of California estimates the reporting rate to be only 20-40% of all accidents.

On the average the total number accidents reported for 1 year at PCH/2nd is 10 on a major arterial road.

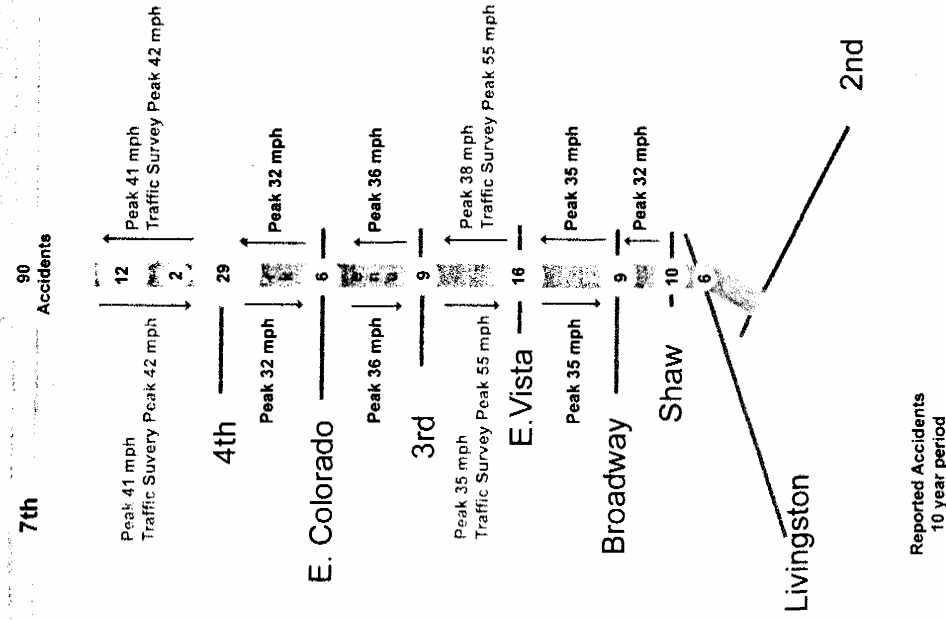
Park Avenue, a residential collector street averages 18 accidents per year with a high injury rate.

The peak speed measured on the street at Park/Vista is 55 mph at Park/Vista. Accidents are more frequent on street segments where higher speeds were measured.

In 2003 the expected accident rate per million vehicle miles for Park between 7th and 4th was 3.05 MVM, the actual accident rate was 10.92 per MVM (358% higher than statewide rates)

In 2003 the expected accident rate per million vehicle miles for Park between 4th and Livingston was 3.05 MVM, the actual accident rate was 6.21 MVM (or 204% higher than the statewide rate.)

With growing traffic volumes the number of accidents and the exposure of property damage and injuries to residents increase proportionally.



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V. Park Avenue Traffic Conflicts

Park Avenue's daily traffic volume (4th-7th) exceeds the City of San Diego's maximum design capacity by 160% for residential collector streets. Long Beach has no design standard to limit the amount of traffic on residential streets.

On Park ^{7th} and ^{4th} over 1,100 cars per hour travel past homes during the morning commute rush hour. There are 19.4 cars per minute traveling at speeds between (25-38 mph). 1 car passes every 3.09 seconds. A car needs 80-186 ft to safely stop if the driver is paying attention. Because of the density of street parking visibility is very limited for drivers backing into traffic (100-150 ft). Broadside accidents result in a higher number of injuries to victims. At these speeds inadequate gap spacing is available for resident's to safely access their property or for oncoming drivers to recognize the conflict, slow, and stop in time to avoid an accident.

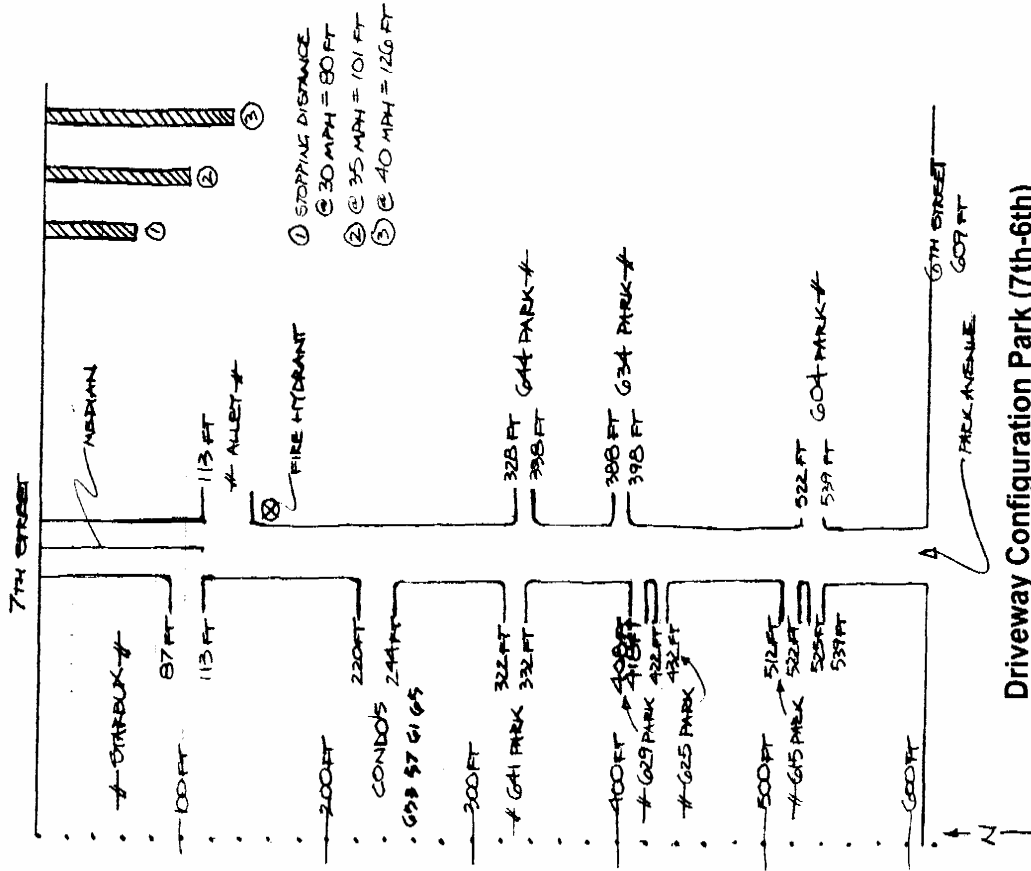
On Park between 7th and 6th (609 ft) there are 11 cross traffic conflicts- (9) residential driveways, (1) Starbucks Center driveway and (1) unmarked alley.

Prevailing speeds of traffic do not allow adequate stopping distances for drivers to react to slow moving cross traffic at driveways, alleys(2), and uncontrolled intersections ((4) 6th, 5th, Vista, and Shaw).

The unmarked intersection at Park/Vista has a poor line of sight for cars and pedestrians because of the grade of the hill. Shaw is another unmarked intersection. Park @ 6th, 5th, Vista, Shaw do not have North-South stop signs. The only uncontrolled intersection sign was recently installed at 6th. Park's residential driveways are not readily visible to drivers and are irregularly spaced.

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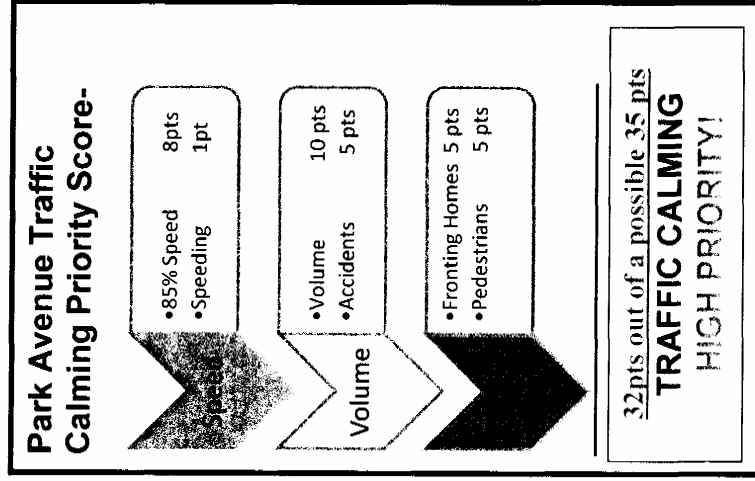


VI Traffic Calming Proposal

A. Park Avenue- Priority

Long Beach has no Traffic Calming Program:
City Of Livermore, California – 2 lane roads
Minimum Criteria and Prioritization Criteria :
Speed – 85th percentile speed (critical speed) is at least
33 mph [Park Avenue 38 mph]

Volume – Average daily traffic is at least 1000 vehicles
The prioritization scoring criteria allows 35 maximum points.



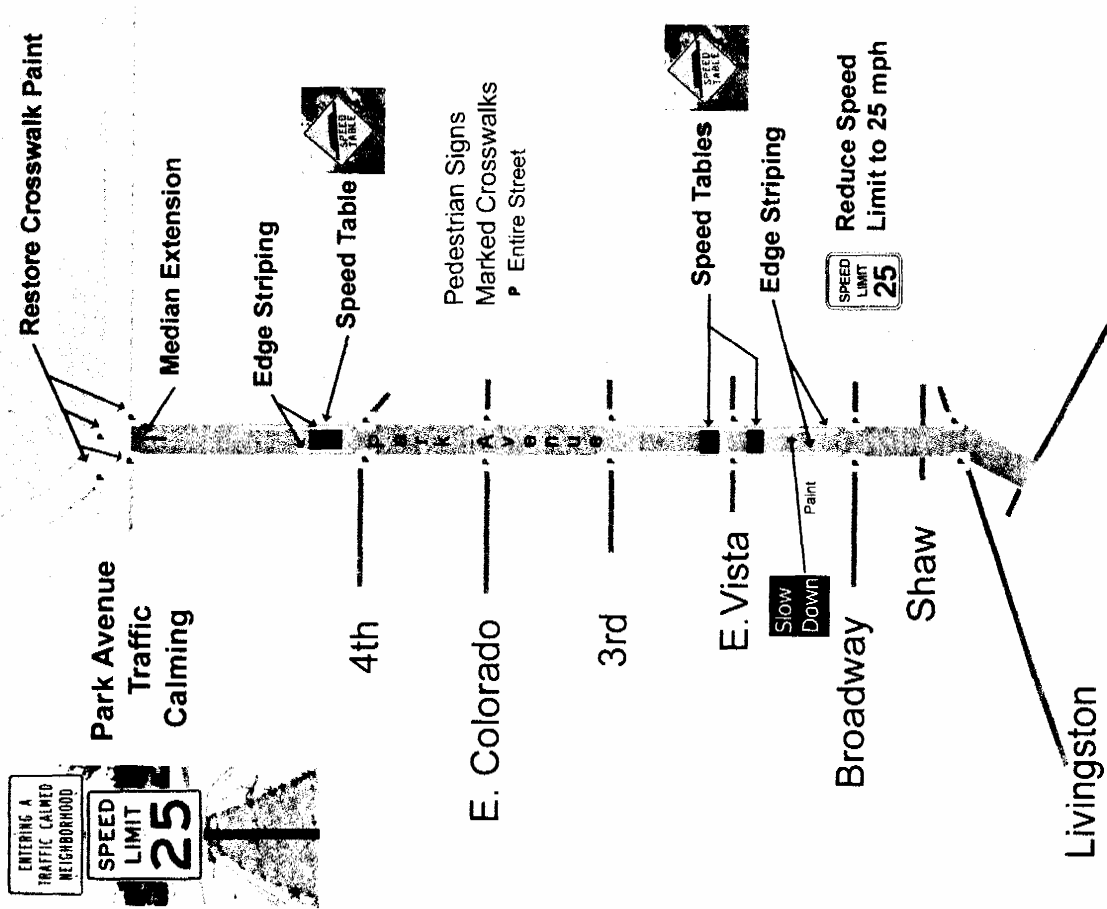
th	85 percentile speed (critical speed)	Points
34 mph		2
35 mph		4
36 mph		6
37 mph or more		8 maximum [Park 8 pts]
th	85 percentile speed (critical speed)	Points
8 mph or more above posted speed limit		1 [Park 1 pts]
10 mph or more above posted speed limit		2 maximum

Volume (Average Daily Traffic)			
Local Street	Minor Collector Street	Major Collector Street	Points
1000 – 1100	2000 – 2200	3000 – 3400	1
1101 – 1200	2201 – 2400	3401 – 3800	2
1201 – 1300	2401 – 2600	3801 – 4200	3
1301 – 1400	2601 – 2800	4201 – 4600	4
1401 – 1500	2801 – 3000	4601 – 5000	5
1501 – 1600	3001 – 3200	5001 – 5400	6
1601 – 1700	3201 – 3400	5401 – 5800	7
1701 – 1800	3401 – 3600	5801 – 6200	8
1801 – 1900	3601 – 3800	6201 – 6600	9
1901 and above	3801 and above	6601 and above	10 maximum [Park 10 pts]

Accident History - One point per accident susceptible to correction by traffic calming device, using the average annual accidents over past 3 years (5 points maximum) [Park 5 pts]

Percentage of the street that has fronting homes	Points
25% or less	0
25 - 40 %	1
41 - 60%	2
61 - 75%	3 [Park 3 pts]
76 – 90%	4
91 – 100%	5 maximum

Pedestrian Generators (such as parks, schools, public facilities, not including homes)*	Points (Spt maximum) [Park 8 pts 5 pts max]
Number of pedestrian generators within neighborhood boundary 1pt per Pedestrian Generator	3 Schools 3pts, 1 Playground 1pt 1 Colorado Lagoon 1 pt Golf Course 1 pt, 2 nd Street 1 pt



X. **Traffic Calming**

B. Proposed Street Traffic Control Improvements

1. Reduce speed limit to 25 mph. The speed limit on Park Avenue is already 25 mph between Anaheim & 7th and Ocean & Livingston.
2. Improve pedestrian crossings at 4th, Colorado, 3rd, Vista, Broadway, and Livingston. Install pedestrian signs and cross walks. Marked crosswalks may decrease the number of rolling stops at stop signs. Restore Park/7th intersection pedestrian crosswalks.
3. Add street edge striping to visually narrow the roadway to encourage slower driving.
4. Add speed tables at 4th (between 6th and 4th) and Park/Vista. Incorporate speed tables into crosswalk design at Park/Vista.
5. Extend median at Park/7th to eliminate illegal U-turns/left turns at Starbuck center.
6. Paint "Slow Down" on north bound lane on grade between Broadway and Vista.

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VII. Special Events Coordination

- City Special Events permit traffic/parking plan sign-off by community groups.
- 2nd Street Business sponsored employee off site shuttle parking for Car Show and Xmas Parade.
- Police event traffic control for affected neighborhoods.
- Dog Halloween Parade moved or downsized.
- Moratorium on new 2nd street events and use of Livingston Park for large attendance special events or staging.
- Marine Stadium event (Dragon Boat, Circle Boats) traffic/parking off site (shuttle buses).
- No overflow parking on residential streets. No on site ticket sales and attendance limited to stadium parking.

VII. City Growth-

- General Plan Update-Long Beach 2030
- South East Area Development Improvement Plan (SEADIP)- Community input meetings starting November 2007.
- Mobility (Transportation Plan) Update

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June 24 2008

Mayor Foster
Robert E. Shannon
Office Of the Long Beach City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

Dear Mayor Foster and Mr. Shannon,

I am writing to you about another violation of the State of California's Brown Act.

On July 17 2008, I spoke as an appellant at the Planning Commission meeting on the Marine Stadium fence removal. This permit/development falls within the California Coastal Zone. At this meeting, a City Development Services representative told me to provide my address. I said that my address was on file with the City. She then insisted that I give my address. I said that I would prefer not to give out my address. Then she told me that I had to provide my address in order to speak at this hearing. I refused again.

Finally, Greg Carpenter stepped in and said that the City had my address. By this time, I felt that both the Planning Commission and audience thought that I was trying to hide the location of my residence and this caused me to lose confidence and credibility. I do not know why the City behaved this way, as this is a clear violation of the Brown Act. I have included the specific sections of the Brown Act for your reference:

Section 54953.3. No conditions to attending meeting A member of the public shall not be required, as a condition to attendance at a meeting of a legislative body of a local agency, to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.

If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to the persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

The reason why so many of us are reluctant to provide our address is that the City has included this information on the internet as video, audio, and print. At various times my name and residential address has appeared in City documents on the internet. I now use a PO Box address in my correspondence to the City. Publishing our home addresses undermines our privacy and security and is used by some as a tactic to suppress public comment.


At this same hearing, Mark Sandoval of the Marine Bureau got up to the microphone and stated that because I lived at Park/7th my opinion should not matter. Not that it is any of Mark Sandoval's business but I do not live near this intersection. Mark Sandoval then read a long statement, from an unidentified resident living adjacent to Marine Stadium supporting the removal of the fence. Mark Sandoval ignored numerous letters and email against the permit. He then tried to show support for the removal of the fence by factoring a non-conclusive survey. His reasoning was that residents living next to Marine Stadium vote should count as 1 pt and those living across the street off Appian 1/2pt. Do you think this is fair?

If you read my appeal and July 17 letter to the Planning Commission, you will see that I am trying to represent the best interests of the Community not the wants of a small number of homeowners who seek to improve their water view. Mark Sandoval's public attack on my worth because of where he thinks I live is inexcusable. I have seen this same attitude at the Marine Advisory Commission meetings. Our parks and beaches are public assets not private turf for a few to decide on how they are used.

I am asking the City to change their procedures and behavior to comply with the Brown Act. I am also requesting that the City Attorney, Mayor and City Council nullify the Planning Commission's decision because the credibility of Mark Sandoval's testimony is at issue, violations of the California Public Records Act, Brown Act violations, and the above-described behavior of City employees/representatives towards me at this hearing.

Thank you for your time and attention to this matter.

Sincerely,


Kerrie Alely
P.O. Box 41217, Long Beach, CA 90803
(562)212-0461

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